

THE 10
HISTOR
OF THE
CHURCH AND STATE
OF
SCOTLAND,
FROM THE
ACCESSION of K. CHARLES I.
TO THE
RESTORATION of K. CHARLES II.

VOLUME II.

Collected from the PUBLIC RECORDS, MR. BAILLIE'S
LETTERS, and other WRITINGS of that Time.

By ANDREW STEVENSON, Writer in *Edinburgh*. *K*



Turn aside, and see
why the Bush is

this great Sight,
not burnt.

Exod. iii.

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THE
HISTORY
OF THE
CHURCH *and* STATE
OF
SCOTLAND,

From the Death of K. JAMES VI. to the
Restoration.

BOOK II.

containing the HISTORY of the Opposition made to the Books of Common-Prayer and Canons, &c.—the Renovation of the National Covenant, and Opposition made to the King's Covenant;—the famous Assembly at Glalgow;—the mutual Preparations for War, and other Occurences in SCOTLAND, from the beginning of the COMMOTIONS in July 1637, to the TREATY of PEACE in June 1639.

WE have, in the former period, 1637. traced the course of defection carried on after the death of K. James VI. with the several contendings of a number of all degrees against the same; and yet, as if that had been a small matter, we

The state of the former period resumed.

History of the Church

1639 find the power and pride of the clergy were always upon the increase; that the torrent of defection grew ever the greater, and, as if essential to the thriving of Prelacy, profaniry and superstition were allowed loose reins; *Arminianism*, the harbinger of Popery, found kindly reception; the hedge of discipline was taken away from the church, and her precious sons were brought under the feet of their oppressors.

An idea
of this
period.

But when our church was in the greatest extremity, when she feared that God was about to depart and leave her altogether, and had almost pronounced the hopeless doom upon herself, *We are cut off for our part; even then the set time to favour her approached speedily; the LORD saw the affliction of his people, and heard their cry; for he knew their sorrows, and in all their afflictions he was afflicted*: Therefore, he did awake for his oppressed inheritance, and his right hand and his holy arm did work deliverance for them, the progress and means of which we shall relate with all the candour and perspicuity in our power.

In executing this task, if we cannot detach each purpose by itself, as the order of time and the nature of history will seldom admit of that, we shall, as in the former period, divide it into chapters, and make a pause at each remarkable æra.

CHAP.

CHAP. I.

Of the opposition made by the Scots unto the book of common-prayer and canons, from the uproar in July 1637. to the renovation of the national covenant in March 1638.

IN the conclusion of the first book we observed, that the reading of the liturgy, upon the morning of *Sabbath* the 23d of *July*, was interrupted both in *St. Giles* and *Grayfriars* churches. The circumstances of the latter are not material, but the former hath occasioned much speculation. No sooner did *Mr. Annan* the dean begin to read that service in *St. Giles's*, than the people, of which there was a great concourse, at that unusual sight, began to make a noise. Upon this the bishop of *Edinburgh* went up to the pulpit, in expectation of pacifying them, but he also was obliged to succumb to the fury of the enraged multitude; for, from words, several of them proceeded to blows, and, had they not been stoppt, the bishop, and especially the dean, had probably been slain at their own altar: But the greater part having, to evite farther mischief, left the church upon the first appearance of violence, (though not without bitter reflections upon the bishops and their agents for occasioning it) the magistrates of the city, with the help of such of the privy-council as were present, did, with much difficulty, expel

A tumult at reading the service in *St. Giles*, Hist. mot. P. 31. *Baillie*, p. 18.

1637. expel the assailants, and thereafter the service was performed with shut doors, the enraged populace exclaiming all the time without doors, and throwing whatever came to hand at the church-windows.

renew-
ed against
the bi-
shop of
*Edin-
burgh.*
Ibid.

The service being over, a greater uproar arose among the people than before; they had now provided themselves with such weapons as rage and fury usually dictate, and seemed resolute upon proving the actors steadfastness in the ceremonial faith. The dean was too sensible of his demerit to commit himself to the mob; so he stole away privately, and took shelter in the first lodging where he thought he would be safe. But the bishop, being a man of more courage, would needs keep the king's high-way, and had got short length when he had better been besieged with a hive of bees; but, luckily for his grace, the earl of *Roxburgh* passing in his coach, and finding him strongly beleagured, he made his way patent with the help of his horses, pulled him into his coach, and then fled as speedily as his horses could carry him, the people all the while making the stones, (which they gathered at the *Trone-Church* then a building) to fly almost as thick as hail after the coach.

A com-
mon mi-
stake cor-
rected.

Rapin,
vol. i.
p. 130.
Baillie,
p. 18.
Row,
p. 395.

There were the same tumults (says *Rapin*, or rather the bishops *Guthrie* and *Burnet*, for from them all the *English* authors whom he quotes seem to have taken their accounts of *Scots* affairs) in all the rest of the churches of *Edinburgh*, and yet no one was killed or wounded; but, according to the manuscripts,

nuscripts, that service was not performed ^{1637.} in any other of the churches, except the two above named; the ministers who were clear to practise in the other churches, had neither magistrates nor ministers present to assist them, and therefore they stopt short upon the very first appearance of opposition, and performed the worship after the old manner.

According to bishop *Guthrie*, whom the reader will find disposed to load presbyterians with reproaches in almost every page of his *Memoirs*, this tumult was the result of a consultation of Messrs. *Alexander Henderson* and *David Dickson*, with the lord *Balmerino* and Sir *Thomas Hope* of *Craighall*, the king's advocate, in *April* preceeding: But other authors, who, we believe, had as good access to have known the fact as the bishop had, and some more inclination to tell the truth than he, say, that this tumult was raised only by the rabble: And the privy-council, in their representation of that tumult to the king, and the town-council of *Edinburgh*, in their apology for its happening within their bounds, assure his majesty, that, after all inquiry made, it did not at all appear, that any above the meaner sort were accessory to that tumult; a report which must certainly go farther than the bishop's *ipse dixit*, and persuade every impartial reader on whose side the truth lies. But, passing this,

The tumult was scarce quelled when the chancellor convened the other bishops in town; and, after consulting together concerning their duty

An observation on B. *Guthrie*.

Mem. p. 23.

Burnet's mem. D. of *Hamil-*ton, p. 32.

Rapin, vol. i.

p. 301.

Baillic, p. 18.

1637. duty in the present posture of affairs, they dispatched an express to the king, the day following, giving a particular account of the tumult, not without such enlargements as seemed best calculated for provoking his majesty against the town of *Edinburgh*, as the authors, at least actors, in that tumult, and against the treasurer for being absent upon that occasion, tho' prevented by the heavy rain which fell that morning.

The
clergy
inflame
the king.
Baillie,
p. 19.

The council were dissatisfied with the clergy for writing without their knowledge, especially before the truth could be perfectly known, and so they went another way to work. They convened upon the 24th, and by an act, whereof publick proclamation was made, they commanded that the service should be continued, and that the inhabitants should contain themselves in quietness, and not offer any injury, by word or deed, to any of the ecclesiastical or civil estate, under the pain of death. Next, they made strict enquiry after the persons concerned in yesterday's tumult, and caused imprison six or seven servants who were found the most active in it; and then, upon *Friday* the 28th of *July*, *Traquair*, the treasurer, wrote two letters, one to the king, in his privy-council's name, wherein they absolutely freed the citizens that were of respect and character, and laid the blame upon the foreward rabble, especially the women, and these, too, such as were of the most abject sort; and another in his own name to the marquis of *Hamilton*, in which he hinted, broadly enough, that the said tumult was owing to the folly and precipitancy of the bishops.

The privy-council's proceedings in consequence thereof,
Baillie,
p. 86.
Hist.
not. p.
32.

The

The town-council of *Edinburgh*, judging that 1637. their honour was likewise touched with the bishops report, wrote a letter to the archbishop of *Canterbury*, excusing themselves, and begging his good offices with his majesty, to persuade him of their's and their citizens innocence with respect to the late tumult, and of their obsequiousness to obey his majesty's commands; and, that they might the more easily regain the good opinion which they supposed others had of them, they promised an additional stipend to the ministers who should read the book, and made offer to the secret council of their assistance for the peaceable exercise thereof in their churches, and security of the persons employed, or who should be present and assist at the practice thereof; which offer the council approved, and allowed the magistrates to publish, by tuck of drum, the orders to be established by them for that purpose.

But the clergy, knowing by whose influence these assurances were obtained, depended very little upon them; for it appears, from an act of the privy-council, dated *July 29th*, that the chancellor, for himself and the other bishops, thought expedient that there should be a surcease of the exercise of the *service-book*, until the king should signify his royal pleasure touching the late tumult; and, according to Mr. *Baillie*, "there were no sacred meetings kept on week-days, nor, for the space of a whole month, were the church-doors opened for prayers or reading, (as the custom was formerly) so that

and the town-council's of *Edinburgh*.
Baillie, p. 86, 128.

An ecclesiastical interdiction.
Ibid p. 19, 86.

Hist.
not p. 32.

1637. "the town was, as it were, subjected to an ecclesiastical interdiction, which enflamed the fury of the people, who were sufficiently enraged before."

In the meantime the bishops were very assiduous in pressing the service-book upon other parts of the kingdom; and, that the example of the two archbishops might have its due influence upon the other bishops, the chancellor raised letters of horning against several in his diocese, and began with charging Mr. *Alexander Henderson* minister at *Leuchars*, Mr. *George Hamilton* minister at *Newburn*, and Mr. *James Bruce* minister at *Kingsbarns*, to buy two books, for the use of their parishes, within fifteen days next after the charge, under the pain of rebellion, &c. And the archbishop of *Glasgow* was very diligent in causing charge all his presbyters; by no intreaty would he be persuaded to delay them so long as to his synod, which was to sit down the last *Wednesday of August* ensuing, but would have all to the horn who would not buy the books presently.

While matters were thus conducted by the archbishops, they received new life by a letter from the king to his secret council, dated the 4th of *August*, ordering the authors of the late tumult to be tryed, and that all habile methods should be used for the peaceable practice of the service. Accordingly their lordships, by their act of that date, ordained that the persons who were dilated for that mutiny should be put to their tryal and punished.

But

The archbishops charge the ministers to buy the books.

Row, p. 326.

Baillie, p. 19.

A letter from the king for trying the mutineers, and practising the service. Ibid. p. 19, 27.

But a sufficient number of readers of the 1637. service could not be had, though the clergy were at the utmost pains ; for, by an act of council, dated the 5th of *August*, the lords interponed their authority to a resolution of the clergy, that the service should begin upon *Sunday* the 13th of *August*, and be thenceforth continued, and, at their request, ordered the town-council of *Edinburgh* to meet with the bishop of *Edinburgh*, and to consult with him upon every thing that might concern the orderly practice of the said service, and the security and maintenance of the persons to be employed for reading the same.

The service could not be practised for want of readers. Ibid. p. 87.

And, that there might not want sufficient evidence of a readiness in the magistrates and ministers of *Edinburgh* to do their sovereign a pleasure, they compeared before the secret council, upon the 9th of *August*, when the magistrates declared, that they had met with the bishop of *Edinburgh*, and were most willing to obey the council's ordinance of the 5th current, but that they could not, upon so short a time, provide intelligent readers, there being none within the city but vulgar schoolmasters, by whom the service might be disgraced, and his majesty's authority, upon the employment of them, receive opposition, and that they were content to secure the ministers and readers in such a legal way as the laws of the kingdom did provide ; and, at the same time, Mr. *Alexander Thomson*, for himself, and in name of the rest of the ministers of the city, humbly represented to their lordships, that, so soon as the town should furnish readers, and provide them with competent maintenance,

The magistrates and ministers of *Edinburgh* are forward for it. Ibid. p. 88, 89.

1637. they would themselves read service for a month, and, in the mean time, instruct those who should be admitted to that charge; but craved that the ministers in the suburbs and neighbourhood of the city might likewise be obliged to receive and practise the service, and that the city should give assurance for their indemnity.

The
council's
proceed-
ings.
Ibid. p.
89, 90.

Accordingly the lords of the council re-
mitted to his majesty's advocate, and their
clerk, to draw up an obligatory act against
the city of *Edinburgh*, for securing of the
ministers, and providing for their indemni-
ty; which act having been formed against
their seditious the day following, they al-
lowed thereof, and ordained the same to be
past and expedited; and, at the same time,
they required the bailies and town-clerk of
Edinburgh, for expiation of the former up-
roar within the city, to make diligent in-
quiry after the authors and abettors of that
mutiny, and with all diligence to provide
readers to officiate the service with compe-
tent livings; to which acts and orders the
magistrates and clerk promised most cheer-
ful and ready obedience, but could not, with
all their diligence, furnish readers sufficient
for that service, and so it was delayed, to
the king and bishops great mortification.

The mi-
nisters
apply
for a sus-
pension.
Hist.
mot. p.
32.
Bailie,
p. 19,
20. 128.

By this time, the days in the charges gi-
ven to buy the service-book were near ex-
pired, therefore, lest those ministers should be
wanting to themselves and the church, by an
indolent silence, such of them especially as
were more hardly dealt with, thought proper
(upon a motion first made by Mr. *David Dick-*
son,

son, minister at *Irvine*, to his presbytery, and 1637. afterwards communicated to other presbyteries and ministers) to present their humble supplications to the privy-council for a suspension of the charge given them, and that they would not suffer the church to be oppressed with manifest violence, declaring, at the same time, that they were ready to alter every thing that could be made appear by any man to be unsound in the form of discipline and liturgy which they had received from their ancestors. They pointed out the principal heads of error contained in these books, and offered to dispute, or rather converse in a friendly way about them : They shewed that the introduction of changes in the church might be attended with very bad consequences; and they declared that the then situation of the church, groaning under the burden of schism, did sufficiently demonstrate that such changes are more productive of disturbance by their novelty, than conducive to any benefit or edification; that the reformed churches in *Austria*, had been brought down by the violent obtrusion of liturgies. They observed also those unhappy controversies whereby the church was oppressed in the reign of *Charles the Great*, while some adhered to the *Ambrosian* liturgy, others, in place thereof, promoting the *Gregorian* or *Roman*; and with what calamities the kingdom of *Spain* was in former times shaken, under the reign of *Alphonso VI.* who, by the advice of the pope's legate, proposed to suppress the antient *Mozarabic* liturgy, that he might, in place thereof, introduce the *Gregorian*, while all ranks of the kingdom

1637. kingdom were reclaiming against it. In fine, how slender a foundation should the affairs of the church stand on, if, at the pleasure of a few, or at the will of the prince, that innocent form of worship, hitherto observed with the great comfort and satisfaction of the pious, should be changed without the previous consent of the church, and that into a form in many respects vicious? That, if these things were allowed, others of a still more pernicious nature might be introduced by succeeding princes; and that the king, when installed in the government, bound himself, by a sacred and solemn oath, not to make any alterations in this kingdom, unless with the lawful advice and consent of all concerned.

Four petitions
given in
to the
council.
Ibid. p.
20.

To the above purpose four several petitions were presented to the council upon the 20th of *August*, viz. one from the presbytery of *Irving*, by Mr. *William Castlelaw* minister at *Stewarton*; another from the presbytery of *Glasgow*, by Mr. *Robert Wilkie* minister there; a third, from three or four brethren in the presbytery of *Ayr*, by Mr. *James Bonnar* minister at *Mayhall*; and a fourth by Mr. *Alexander Henderson* at *Leuchars*, for himself and his two brethren before-named.

The
council
suspend
the
charge
in part.
Ibid. &
p. 20.

Many noblemen by letters, and many gentlemen in person, did likewise solicit the council, one by one, to hold that yoke from off the necks of the ministers; and accordingly the secret council, by their act, dated the 25th of *August*, declared, *That the letters and charges of burning direct anent the service-book, extends alienarily to the buying thereof, and no farther.*

At

At the same time the council wrote a letter 1637. to the king, pretty favourable for the suppli-
 cants; for, after representing to his majesty, that, according to his commandment, they had been most willing and ready to give all concurrence and assistance to the lords of the clergy, for establishing of the service-book, and that, notwithstanding of the late tumult, occasioned only (for any thing they could yet learn) by a number of base and rascally people, they were very hopeful in a short time, without any farther trouble or importunity to his majesty, to have brought it to practice. *They say*, that, having appointed that meeting of council expressly to think upon the best way for advancing of that service, they found themselves, far beyond expectation, surprised with the clamours and fears of the subjects from almost all the corners of the kingdom, and that even of those who otherways had to that time lived in obedience and conformity to the laws both in church and state; that they found it so to increase, that they conceived it to be a matter of high consequence, in respect of the general murmuring among all sorts of people for urging of the service-book, as the like had not been heard in this kingdom; so that they durst not longer conceal it from his majesty, not knowing to what the same might tend, and what effects it might produce; neither durst they dive farther into the causes of those fears, or remedies thereof, till his majesty, in the depth of his royal wisdom, should prescribe the way, after hearing all the particulars, either by calling some of the council to his majesty's presence, to
 the

The
council's
letter to
the king
favour-
able for
the sup-
plicants.
Baillie,

P. 31.

1637. the effect a course might be taken for pacifying of the present commotion, and establishing of the service-book, or by such other means as his majesty should think fit, and which they promised to follow and obey, as became humble and faithful subjects, and those whom his majesty had honoured with his royal commandments.

A farther answer promised. Ibid. p. 20.

The farther prosecuting of that affair was deferred to the 20th of *September*, and the council promised an answer to the supplicants against that time.

The petitioners grateful. Ibid. and Hist. mot. p. 32.

For this mitigation of their rigour, and favourable report of the case to his majesty, the petitioners acknowledged their most sincere gratitude to the council; and remembering that the Lord loves mercy, and waits that he may be gracious, presbyterians at this time did generally stir up themselves, and one another, to take hold on God, and seemed resolved to give him no rest until he made his church a praise in the midst of them.

The bishops dissatisfied. Guthrie's mem. p. 29. Hist. mot. p. 33.

Their opponents were not thus employed, but, meeting with disappointments, their spirits were sowed, and their rancour augmented, especially against those of the councillors who over-ruled this matter, contrary to their inclination: For, whereas formerly they expected that all the reflexions that proceeded from the obtrusion of these books would fall upon the council for interposing their authority, now they saw themselves abandoned by the council, and exposed as a satisfactory victim to the fury of all ranks; and now it was the opinion of men of judgment and prudence that they would be quiet; but, fearing
left

lest it should come to the knowledge of the king that they had imposed on his majesty, (for the young bishops had persuaded him that this business would be easily carried on, without any publick disturbance, and that very many of his subjects of all ranks were earnestly desiring these books) therefore they resolved to make another attempt, and left no method untried, whereby they might bring the ministers over to their sentiments, by fair promises or violent measures, but all to no purpose.

1637.

Hist.

mot.

p. 33.

Baillie,

p. 24.

Nor were these practices peculiar to the young bishops, some of the old ones were no less active. The diocesan assembly of *Glasgow* having been adjourned to the last *Wednesday* of *August*, the archbishop wrote to Mr. *Baillie* to preach the sermon at the opening up of the synod, and to incite all his hearers to obey the church-canons, and to practise the service. This our author did, in a letter to the archbishop, flatly refuse, urging, as a reason the irresolution of his own mind; but, having received a new command, charging him upon his canonical obedience to preach on that occasion, he, to evite strife with that angry man, prepared a sermon, on *2 Tim. iv. 1, 2.* from which he intended to have pressed the duties of the pastoral charge there enjoined, without speaking one syllable in favours of conformity; yet the archbishop, being ignorant of the resolution which our author had taken, and suspicious of his preaching for the purpose in hand, wrote to Mr. *William Annan* at *Ayr* to preach upon that occasion, who, from *1 Tim. ii. 1.* defended set forms of prayer as well

A diocesan

assembly

at Glas.

gow,

Baillie,

p. 20.

1637. well as might be, by which he gave great offence to many; for prudent men in the synod judged, that, as that was a matter in suspense betwixt the king and the country, the urging thereof at that time was unseasonable.

and a
mob.
Ibid.

But the citizens of *Glasgow*, having an utter abhorrence of the liturgy, were incensed beyond all measure; for, at the dismissal of the congregation, a number of women insulted Mr. *Annan* in the very sight of the magistrates: Two of them were for this apprehended and put in prison, yet did it not put a stop to their commotion; for Mr. *Annan* going up the street, in the company of three or four ministers, to visit the bishop, while it was near ten o'clock at night, some hundreds of the enraged populace, who had been watching their opportunity, came upon him, and with their fists, and what weapons were at hand, they had almost made him a martyr for the liturgy; but the magistrates having come opportunely to his assistance, and lights being set out from many windows, he escaped with some wounds, and the loss of his cloak, ruff, and hat; a guard was set upon him for his defence through the night, and he was next day conveyed to his horse by the magistrates of *Glasgow*, and several ministers whom the people did most reverence, when, unhappily for M^r. *John*, he was scarce mounted, when, in the sight of all the company, his horse foundered, and threw him into a mire, which so besmeared his clothes, that the colour of them could not be known; an affront which gave

more

new

more satisfaction to the populace than all the rest. 1637.

While the reaping of the victual was in hand the people in the country continued pretty quiet; but that being over, they, considering that the yoke of their oppressors was only suspended, not taken away from them, and reflecting upon the good acceptance which the first supplicants found with the council, had recourse again to the same court, when they found their numbers were greatly increased; the four ministers were converted to twenty noblemen, and a considerable number of barons, mostly elders, near a hundred ministers, the provosts or eldest bailies of the burghs of *Stirling, Glasgow, Ayr, Irvine, Dumbarton, Dunfermling, Culross, Kirkaldie, Dysart, Couper, Lanerk, Innerkeithing, Burntisland* and *Anstruther*, and commissioners from sixty eight parishes, mostly gentlemen of the greatest distinction and interest thro' the counties of *Ayr, Fyfe, Lothian, Clydesdale, Stirling* and *Strathern*, many of whom knew not of the rest, until they met with them at the council-house door.

The presbyterians supplicate the council in September, Hist. mot. P. 33.

of whom composed, Bailie, p. 129.

and whence they came. Ibid. p. 22.

By this time the king's answer to the council's letter, of the 25th of *August*, was brought down by the duke of *Lenox*, who came from court to perform the funeral obsequies of his mother at *Paisley*, which did more elevate the friends of the hierarchy than it dejected presbyterians.

A letter from the king, Ibid. p. 23.

In it his majesty complains that his former directions had not been strictly followed; that the council hesitated at them, without proposing any new expedient, farther than the send-

com-plaining of the council. Ibid. p. 32.

1637. ing some of their number to consult with him concerning the same, which he conceived not fit, as it would, by a needless noise, make it appear either that the council were slack, or the subjects very bad, which he was not ready to believe, after receiving so great proofs of their affection. Likewise his majesty did declare his dissatisfaction both with his council and with the town of *Edinburgh*, because that, after the service was read, upon *Sunday* the 23d of *August*, it was intermitted immediately thereafter, and that none of the authors of, or accessories to the insolent riot committed upon that occasion, were censured for the terror of others; and it did seem strange unto him, that the ministers of *Edinburgh*, having offered to begin the reading of the service (providing they were kept *indemnes*, and relieved by the city of the charge within a month thereafter) that the said offer was not accepted: And therefore it was his majesty's pleasure, that a sufficient number of the council should still attend at *Edinburgh*, or near it, during that vacation-time, until the service-book were settled; and that the offer of the city-ministers should yet be accepted, and the performance of it seen to. As also he required every bishop to cause read the service within his own diocese, as the bishops of *Ross* and *Dumblane* had already done; and that the council should particularly warn every borough to chuse none for magistrates, but such for whose conformity they would answer.

Notwithstanding of the tartness of this letter, the supplications formerly mentioned were given into the council, all resolving into

an

and ordering
the practice
of the service-
book,

and the
electing
of conform
magi-
strates.

68 peti-
tions gi-
ven in to
the coun-
cil.

Ibid. p.
23, 84.

an allegation that the service enjoined was against the religion presently professed, or that the same was in a disorderly way brought in, without the knowledge or consent of a general assembly, or contrary to the acts of parliament, or inconsistent with the service used in *England*, which the petitioners undertook to make good; and beseeching the council to deprecate the king, that he would relieve them of the heavy burden of the liturgy.

And, because these were so numerous, and some of them not so smoothly written as to recommend them to the king's favourable construction, there was one common copy drawn out of them all, and presented to the council by the earl of *Sutherland*, the first nobleman who appeared for the interests of religion upon that occasion, and by the earl of *Wemyss*, another zealous opposer of the liturgy, the copy whereof, as transmitted by the council to the king, is as follows.

1637.


Resolution to
petition
jointly.

" My lords of secret council, unto your
" lordships humbly means and shews, we no-
" blemen, barons, ministers, boroughs, and
" commons, occasionally here present, be-
" ing most desirous to testify our loyalty
" to our dread sovereign, and to give obe-
" dience to his majesty's royal command-
" ments, and considering that this new book
" of common-prayer, which all his majesty's
" subjects, both ecclesiastical and civil, by o-
" pen proclamation, are commanded to re-
" ceive with reverence, as the only form to
" be used in God's publick worship in this
" kingdom, and the contraveeners to be con-
" dignly

A copy
of that
petition.
Ibid.

P. 34.

1637. "dignly censured and punished, is introduced and urged in a way which this kirk has never been acquainted with, and containeth very many material points contrary to the acts of our national assemblies, his majesty's laws of this kingdom, and to the religion and form of worship established, and universally practised to the great comfort of all God's people, his majesty's subjects, since the reformation, which may tend to the great disquieting of their consciences, and to the hindrance of that harmony and comfort which, from the influence of his majesty's government, all do pray for and still expect: We do therefore, in all humility, supplicate, that your lordships, out of your care of religion, so seriously recommended to your lordships by his majesty, and your compassion on our present case, would be pleased fully to represent to his majesty these and the like considerations known to your lordships, that this affair of so great importance may not appear to his majesty a needless noise, but, as it is indeed, the very desire of our hearts, for the preservation of true religion amongst us, which is dearer to us than our lives and fortunes; and, if this be refused, we humbly crave a hearing of our just grievances before your lordships conclusion, that, by your lordships counsel, some way may be found whereby we may be delivered from the fear of this and all other innovation in this kind, and may have the happiness to enjoy the religion as it hath been, by the great mercy of God, reformed in this land, and is authorised by his majesty, who (we pray)

" pray) may long and prosperouly reign o- 1637.
" ver us." 

Zester,	Dalkeith,	Angus,
Cranstoun,	Balmerinoch,	Rothes,
Lowdown,	Burleigh,	Wemyss,
Montgomery,	Hume,	Sutherland,
Dalzell,	Cassillis,	Dalbousie,
Fleeming,	Lothian,	Lindsey,
&c, &c, &c.	Boyde,	Sinclair.

After the reading of these several petitions, which was a work of time, the secret council, ^{The council's act in this affair, Ibid. p. 35.} for satisfying his majesty, did, upon the 20th of September, nominate and appoint the lords chancellor and treasurer, the earls of *Winton*, *Winton* and *Southesk*, the bishops of *Edinburgh* and *Galloway*, the clerk of register and his depute, the justice-general and his depute, the advocate, the justice-clerk and the laird of *Blackhall*, or any seven of them, the chancellor being always one of the seven (not excluding any other of the council who should be pleased to be present) to attend at *Edinburgh* that vacation-time, to execute the business committed to their care by his majesty's letter; and they superseded answering the foresaid petitions until his majesty's pleasure were known concerning the same: But, that they might likewise give the petitioners some satisfaction, they promised to acquaint them of the king's answer so soon as it was signified unto them, and gave the general petition before inserted, with two of the particular supplications, viz. one from the presbytery of *Auchterarder* within *Dumblane*

1637. *blane* diocese, where his majesty supposed he had the most cheerful obedience, and the other from the city of *Glasgow*, the seat of the archbishop, with a roll of the other petitions, to the duke of *Lennax*, who was an eye and ear witness to all that was done in council concerning those matters, and was presently to repair to court, intreating his grace to inform his majesty of the true state of the business, with the many pressing difficulties therein, and to solicit his majesty's gracious resolution concerning the same; which employment the duke undertook, and promised to bestow his best endeavours for the success of it.

with
their let-
ter to the
king.
Ibid.
p. 83.

And at the same time the council wrote a letter to the king, wherein (beside resuming the substance of their act aforesaid) they informed his majesty, that they had given orders to the bishops for establishing the service within their several dioceses, and to the boroughs to make a right choice of conform and well-affected magistrates, and profess their unspeakable grief to find his majesty was not satisfied with the sincerity of their faithful endeavours.

Burnet's
mem.
p. 26.

With this conclusion one would think that the bishops at least had little reason to complain, yet it seems they were displeased with the conduct of some of the king's best friends upon this occasion. It is too common with short-sighted mortals to impute that to instruments which proceeds from a higher airth, and to blame others rather than themselves, and this was truly the case here; the bishops imputed the countenance given to the supplicants to the infidelity and treachery of Sir

Thomas

Thomas Hope the king's advocate, *Traquair* the treasurer, and the earl of *Morton*, who had tasted deeply of the king's bounty, whilst they might have seen (had they not been wilfully blind) the equity of the petitioners cause, and the course of providence pleading loudly for them; and, without ever finding fault with themselves for obtruding the innovations complained of, and endeavouring to involve all in the most awful apostasy, they exclaimed against the advocate and these two lords, because they would not sacrifice the peace of their country, and the authority of their sovereign, to their pleasures. *Sir Thomas Hope* was indeed known to have a special favour unto the petitioners, which yet did never lead him to betray his trust; but the two nobles were beyond suspicion this way, unless their opposing some of the bishops extravagancies can fall under that notion.

But, though the advantage accruing to the petitioners by that conclusion was very small, yet, as the council were shut up by his majesty's letter from granting more, *Sutherland* and *Wemyss* did, for themselves and the rest of the petitioners, return thanks to the council for the inclination which they had shewed unto justice, and returned home to their several habitations, " where (says the *Latin* historian) all of them wrestled with God, in their private prayers, and publick supplications and fastings, that the counsels of the king might be turned to the publick good of the church and state, and that he would disappoint the attempts of enemies, who were employed in undermining the church, that

" was

The petitioners
gratitude
and piety,
Hist.
mot.
P. 35.

1637. " was already in a very shattered condition."

A meeting for overtures. Baillie, p. 25, 26.

But, that the reader may have this so suitable a part of the story in full tale, we observe that Mess. *Henderson, Dickson, Ker*, and the other ministers who had come up to supplicate, being at dinner together upon the council-day, the 20th of *September*, and advising upon overtures proper to be attempted by them for the calming of that storm, they drew up general considerations concerning the manner of their publick procedure, the causes of a fast, or motives to humiliation, motives for encouraging their faith and hope in God, and overtures for remedying the impending and felt evils; which papers being short, but nervous and very seasonable, are given at their full length, both by Mr. *Baillie* and Mr. *Crawford*, and therefore they are here added also.

CONSIDERATIONS for such, as lay to heart the danger of this intruded liturgy, whereunto let every watchman and wise-hearted reader add as he thinks fit.

Considerations. Baillie, p. 37. Crawford, p. 64.

" 1. Seeing the subjects are all brought in straits by the proclamation in *December* last 1636. either to conform to this new service-book, which openeth a door to the subversion of true religion established by laws, or else to be condignly censured and punished, it is necessary to think of lawful remedies, before this wrath of the LORD be poured forth to the full.

" 2. The most humble and hopeful way is by supplications to God, and to our magistrates;

“ strates ; therefore, as supplications in good 1637.
 “ number have been presented to the coun-
 “ cil, to deal with his majesty to deliver his
 “ subjects out of this difficulty, and that not
 “ without hope of success, (at least so many
 “ as by supplication testify their resolution to
 “ adhere to the doctrine and worship establish-
 “ ed in the reformation) so must not this
 “ mean be rested upon, but the controversy
 “ which CHRIST is pursuing against us must
 “ be taken to heart, and repentance both of
 “ pastors and people set on work, with sup-
 “ plications to GOD, joined with mourning
 “ and fasting from time to time, or else our
 “ supplications to our magistrates, in GOD’s
 “ judgment, may prove but irritations of them,
 “ and increase the measure of the just provo-
 “ cations of our GOD unto jealousy.”

“ 3. To this end search must be made, not
 “ only from what beginnings, and by what de-
 “ grees, we have swerved from the truth, and
 “ concord and zeal graciously granted unto us
 “ in the reformation, unto this measure of
 “ corruption in manners, doctrine and wor-
 “ ship, discord of affections, and lukewarm in-
 “ difference in GOD’s matters, but also search
 “ must be made for the sins common and spe-
 “ cial of pastors and people, which have pro-
 “ voked our GOD to threaten thus to cast us
 “ over again unto the darkness and dreadful
 “ consequence of popery, likely to ensue, ex-
 “ cept we be humbled and turned to GOD in
 “ unfeigned repentance of all ranks and e-
 “ states.”

D d MOTIVES

1637.

Causes
of a fall.

MOTIVES TO HUMILIATION.

“ The gospel hath been so many years lent
 “ unto us, with peace and plenty of outward
 “ things, in comparison of former times, and
 “ yet there is so gross ignorance of the grounds
 “ of religion, and controversies about the same,
 “ such misbelieving of the laws of God, and
 “ threatnings of his wrath, so open disobedience
 “ to the known commandments of the
 “ first and second table, by not using prayer,
 “ and other means of God’s worship, in private;
 “ by blaspheming of God’s name, profanation
 “ of the *Sabbath* in worldly, wanton and graceless
 “ speeches and carriage; by filthiness and contention,
 “ deceiving and oppression, lying and scandalizing
 “ one another, drunkenness and intemperance, and
 “ other like vices, as is a shame for any religion,
 “ let be for the truly reformed.

“ 2. Where there is a form of godliness,
 “ there is so little sense of sin, or fear of wrath,
 “ or right seeking to remedy seen evils by going
 “ to CHRIST, so little estimation of his
 “ holy majesty, who is KING of kings, and
 “ LORD of lords, so little faith in the covenant
 “ of grace, wherein we profess to be entred
 “ through, so little love to him for all the
 “ mercies shewn by him, so little employment
 “ of his offices according to our several
 “ needs, so little love to the saints, so few
 “ fruits of true religion, such resting upon
 “ formality and lip-labour in God’s worship,
 “ in private and publick, contenting ourselves
 “ with the letter of the LORD’s word, without
 “ the LORD’s spirit, as the fantastick *Anabaptists*
 “ content themselves with revelations without
 “ out

" out the word, that there is no wonder our 1639.
" LORD should give us over unto this literal
" and book-worship, that he may be avenged
" upon this lukewarm formality wherein we
" are rotting.

" 3. We have not received warning from the
" terrible judgments of GOD fallen upon there-
" formed kirks abroad, in *France*, the *Low-Coun-*
" *tries* and *Germany*, who have sticken better un-
" to the measure of reformation which they ob-
" tained than we have done, nor have we been
" moved by all the former rods wherewith he
" hath visited this land, and doth still visit,
" but have hardened our hearts so far, that
" we have neither had feeling of the fears and
" troubles of *Zion* at home, nor compassion on
" the afflictions of *Jacob* abroad.

" 4. The upholding of the publick honour
" of GOD, and propagation of religion, have
" been almost altogether devolved by the peo-
" ple upon the weak shoulders of the mini-
" sters, as pertinent only to them. Religious
" conference of people amongst themselves,
" worshipping of GOD morning and evening
" in families, catechising of children and ser-
" vants, have not only been neglected, but
" despised for the most part, so as CHRIST,
" not being received into families, is pro-
" voked to go from the publick assemblies.

" 5. Pastors, all of them, have been over-
" charged with too great a task for a single
" man, and readers, without gifts or learn-
" ing, set up of necessity to supply the want
" of teachers; some of the ministers have
" been discouraged, and fainted, and done
" their work heavily through the people's in-
cor-

1627. " corrigibleness; some, having run unsent, have
 " sought only their own things, and not the
 " things of CHRIST; some have been infected
 " with the people's faults, and infected the
 " people with theirs, as tippling, trifling, con-
 " tention; and many, not willing to be at
 " pains to crave of CHRIST, and to entertain
 " the gifts of their calling, by reading, medi-
 " tation and prayer, have taken themselves to
 " their ease, and fostered themselves in a sta-
 " ted form of prayer, and borrowing of prin-
 " ted preachings; some have sacrilegiously
 " sought their own glory more than CHRIST's,
 " by a windy and vain ostentation of learning,
 " not regarding how the people profited, but
 " how the people was pleased, and praised
 " them; so that there is no wonder that our
 " LORD should be avenged on such a people
 " as we are. For these, and the like causes,
 " we have reason to be humbled.

**MOTIVES for ENCOURAGEMENT and
 CONFIDENCE to prevail with GOD.**

Motives
 for en-
 courage-
 ment.

" 1. That, in the midst of wrath, the LORD
 " uses to remember mercy to such as call upon
 " him in truth; and, when his hand is stretched
 " out, and has stricken, if any will lay hold
 " on his arm to make peace with him, he will
 " make peace with them, much more if re-
 " pentance prevent the stroke.
 " 2. We read not, neither was it ever heard,
 " that a land was humbled before him to pray
 " for a blessing, especially spiritual, but he
 " granted their request.

3. The

" 3. The long time of his patience since we 1637.
 " began to provoke him, his so slow depar-
 " ting from us, his striving in the mean time
 " to overcome our evils with his goodness, re-
 " stify, as the proverb is, *many good-nights are*
 " *loth away.*

" 4. Whensoever we have joined in prayer
 " for averting or mitigating of plagues or fa-
 " mine, he never refused us, and hath also
 " fought for us against our foes when we
 " needed.

" 5. He has born us witness in all the de-
 " grees of our defection, and contested with
 " us by some faithful watchmen, that we
 " should return; his cause and truth hath ne-
 " ver wanted witnesses in assemblies and par-
 " liaments, but some have stood in the gap
 " to make up the breach, and now he has stir-
 " red up the spirits of so many of all ranks to
 " supplicate against this corrupt liturgy.

" 6. He has drawn out the honesty of the
 " hearts of these, both pastors and people, who
 " did not apprehend the former innovations
 " to be degrees unto the deep defection where-
 " into we are likely to fall, and not suffered us
 " altogether to run out after mens inven-
 " tions, and the deceits of our own hearts."

OVERTURES for REMEDIES.

" 1. Let as many as hate the whore of Ba-
 " bel, and resolve not to go farther in the
 " course of this defection, embrace one an-
 " other in love, as CHRIST hath received
 " us unto the glory of GOD and fellowship
 " of his grace.

2. Let

1637.

2. Let every person who would be free from wrath, and have their own part of this provocation pardoned, deal impartially with their own personal faults; and repent, and cleave unto our offended LORD JESUS, with purpose of employing him in all things, in another sort than we have done.

3. Let every man deal with his charge, friendship and acquaintance, to take religion more to heart, and to bring forth fruits of it, and not to be ashamed to profess CHRIST JESUS and his holiness, and to bear his reproach.

4. Let the knowledge of scripture, and of the grounds of religion and controversies, be better studied, and more mixed with prayer for sound light, and accompanied with more careful practice of uncontroverted truth, CHRIST being pressed upon for furnishing grace to this end.

5. Let every man acquaint himself with secret prayer to God, so shall he be more able pertinently to express his inward desires before others, as his calling shall require, and masters of families to press themselves to worship God with their families, meditating what points to pray for before they begin, albeit possibly their prayer should be no longer than a grace before or after meat; for six words, thus spoken in honesty, will be more pertinent and more acceptable than any formal read prayer shall be; and let the reading of the scripture be rather joined with morning and evening prayer, than slighted at dinner and supper-time.

6. Seeing

" 6. Seeing God has commanded us to 1637-
 " make supplication for judges and rulers, let
 " it be done, not formally, but in truth of
 " heart, lest, if we by prayer procure not
 " their good, they, in God's righteousness,
 " may procure our grief."

Nor were these papers all that this meeting
 of ministers did, " The main thing (says
 " bishop *Guthrie*) treated therein, was how
 " the brethren throughout the kingdom might
 " be made to concur with them, (in regard
 " few as yet appeared, except from *Fyfe* and
 " the western parts) and so it was laid up
 " on Mr. *Henry Rollock* (who at this time
 " joined the ministers) to deal with those of
 " *Lothian, Merse* and *Teviotdale*; Mr. *Andrew*
 " *Ramsay* (who also joined the ministers at
 " this time) to take the like pains with those
 " of *Angus* and *Merns*; Mr. *Robert Murray*
 " to travel with them of *Perth* and *Sirling*-
 " shires, and an advertisement was ordered to
 " be sent to Mr. *Andrew Cant* to use the like
 " diligence in the north; and so the ministers
 " disbanded."

Be this as it will, the concurrence against
 the innovations grew still the greater and more
 universal; but, before we explain this, the
 order of time leads us to observe, that the
 town of *Edinburgh*, having been hindered by
 Sir *John May*, their new provost, from joining
 the petitioners in *September*, a great number of
 the citizens and inhabitants, hearing that a com-
 mittee of the secret council was to sit still at *E-*
dinburgh, during the vacation, to find means
 whereby the service-book should be quietly re-
 ceived

Means
 used for
 augmen-
 ting their
 numbers.
 Mem.
 p. 27.

The
 town of
Edinburgh
 kept back
 from
 suppli-
 cating
Baillie
 p. 24.

1637. **W**ceived there, came upon their town-council as they were sitting, and by menaces compelled them to petition the committee of the secret council against the said book; and it was promised them that their petition should likewise be sent to court, but they found afterwards that it had been suppressed; only, lest that insurrection should have impaired the good opinion which his majesty had of the town, the provost wrote to *Canterbury* and the lord *Sirling*, that the great confluence of people which had come there the two last council-days had suggested such things to the poor ignorant inhabitants, as had crazed the good resolutions, which, by continual pains, had been imprinted in their minds; and that however the town-council had assured the king of their ready obedience, upon the confident assurances which from time to time they had taken of the best part of their citizens, yet they were forced to supplicate the council, that they might be continued in the same state with the rest of the kingdom; but his lordship promised for the council, that they would not forbear to do their master service to their power, and would strive to re-imprint in their people their former good resolutions, that were now evanished.

Adver- The country expected not another meeting of council before the first of *November*, and so were the more slow in their preparations for it; yet *St. Andrews*, the chancellor, did, a few days before the 18th of *October*, advertise the town of *Edinburgh* to expect the answer of their petition against that day. This the leaders of the other supplicants took for

but
force the
council
to do it.
Ibid.
130.

The
provost
excuses
it.

Adver-
tisement
given of
a meet-
ing of
council
upon the
18th of
October.
Ibid.

a piece of court-policy, to divide them and 1637.
the town of *Edinburgh*, and to draw off the
town from following out the design of their
supplication; and therefore expresses were im-
mediately dispatched through the country, ad-
vertising the supplicants to be at *Edinburgh* by
the day the council intended to meet.

This diet was accordingly kept, "and that
" so generally (says bishop *Guthrie*) that, be-
" sides the increase of noblemen, who had
" not been formerly there, there were few
" or no shires on the south-side of the *Gram-*
" *pian-hills* from which came not gentlemen,
" burghers, ministers and commons." Ac-
cording to Mr. *Baillie*, who went to that meet-
ing at the lord *Montgomery's* desire, the noble-
men, gentlemen, and ministers of the west,
did meet in great numbers, but at the begin-
ning were very sorry of their journey. *St. An-*
drews was not come over, few of their bre-
thren from *Fyfe-shire* were present, and they
expected no meeting of council at that time,
and were afraid that Mr. *Archibald Johnston* ad-
vocate, who gave the warning, had, beside his
custom, been too rash. On a sudden they found
they were far mistaken; the secret council con-
vened, and they heard a rumour that severe
orders were come from court, and that *St.*
Andrews had staid away because of the ungra-
cious employments of that day, or rather, as
some thought, to deceive, and withdrew *Fyfe*
from that meeting.

However, the commissioners from above
two hundred parishes gave in their supplica-
tions against the service-book to Mr. *James*
Primrose the council-clerk, and, which was

The diet
attended
by great
num-
bers.
Mem.
p. 27.

Baillie,
p. 130.

Some
hun-
dreds of
petitions
given in.

1637. probably as acceptable to Mr. Clerk, they gave him a dollar, or more, with each of these.

A consultation amongst the petitioners.

This done, the petitioners met in several places to consult what were farther proper to be done, the noblemen by themselves, the gentry by themselves, the ministers by themselves, and the burgesses by themselves. In these meetings they began with prayer, after which it was asked of every one, if they disagreed from the service-book; and all answering that they did, both for the matter of it, and the manner of imposing the same, they next proceeded to speak to these points, by which the weak were greatly corroborated by the more learned and intelligent; and upon this occasion, we apprehend, it was, that they drew up the survey of the errors in the service-book, a copy whereof we formerly promised to insert in the *Appendix*.

Severe proceedings of the court.

The petitioners charged to leave the town. Ibid.

p. 111.

While the petitioners were thus occupied, some of their number who had gone out returned in a little, and informed them, that an act of council, proceeding upon a letter from the king, dated the 9th of that month, had just now been proclaimed over the cross, by sound of trumpet, dissolving the meeting of council in so far as concerned the matters of the church, and commanding all who had come upon that business to repair home to their own dwellings within twenty-four hours after the said publication, except such persons as should make known to the council a just cause for their farther stay, on account of their own particular affairs, under the pain of rebellion, &c. with

with certification to them, if they failed, they 1637.
should be denounced rebels.

In like manner, because the citizens of *Edinburgh* had presumed to oppose the bishops, when they were introducing the book of common-prayer, as a punishment to them there was another proclamation issued out, in a few hours after, to remove the secret council, and the court of session, from *Edinburgh* to *Lithgow*, where they were to sit the first of *November*, and to remove from thence to *Dundee*. And

The courts removed, Ibid. p. 132.

A third proclamation was made at the same time, discharging an anonymous piece, intitled, *A dispute against the English popish ceremonies*; which, though wrote by a youth not exceeding 25 Years of age, viz. the afterwards justly celebrated Mr. *George Gillespie*, at that time minister of *Wemyss*, was of too corrosive a quality for the bishops weak stomachs.

and a book discharged, Row, p. 327.

The two first of these politicks had been foretold and threatened by some of the bishops; the court thought that the best way to break the combination of the country was to delay them, that, being wearied with delays, they might fall off; and the information given by the provost of *Edinburgh*, that the citizens good resolutions were altered by the confluence of strangers to the council, did, as seems, procure their discharge to remain longer in town; for it was thought that the courts were that town's god, and that their fears of wanting these would draw them any where.

A politick of the court, &c. Baillie, p. 132.

But the event soon shewed, that the court, or rather the bishops who set them upon those

A reflection upon it.

1637. those methods, were much deceived in their measures. The city, and all the subjects of the kingdom, did indeed suffer remarkably by the interruption of publick justice, which ensued upon those proceedings, but, in the event, the injury intended did retort back with greater violence upon the contrivers, and hastened their own downfall.

A resolution to complain against the bishops,

and the forming of it committed to Lowdown, Mr. Dickson, &c.

For the petitioners, suspecting that all the oppression which they met with from their sovereign, in the prosecution of their humble supplications, was owing, in a great measure, to the solicitations of the bishops; and knowing them to be dead weights upon the other lords of the council, they resolved to draw up a formal complaint against the bishops, as authors of the liturgy and canons, and of all the troubles that had, and were like to follow upon them. The penning of that complaint was committed to the lord *Balmerinock* and Mr. *Alexander Henderson* on the one hand, and to the earl of *Lowdown* and Mr. *David Dickson* upon the other, who, we may believe, did not sleep sound that night.

Next day two forms were presented to the supplicants, when that drawn up by the earl of *Lowdown* and Mr. *Dickson* was unanimously gone into; the tenor whereof follows.

Complaint against the bishops. Bailie, p. 43.

For the glory of CHRIST JESUS, and preservation of true religion, for the honour of K. Charles, and preservation of his native and ancient kingdom of Scotland.

"My lords of secret council, unto your lordships humbly means and shews, we underscribers,

“ der subscribers, noblemen, barons, burgesses, 1637.
“ ministers and commons, *That whereas we*
“ were in all quiet and humble manner atten-
“ ding a gracious answer of our former sup-
“ plications against the service-book imposed
“ upon us, and ready to shew the great in-
“ conveniencies which upon the introducti-
“ on thereof must ensue, we are, without any
“ known desert, far beside our expectations,
“ surpris’d, and charged, by publick procla-
“ mation, to depart off of the town within
“ 24 hours, under the pain of rebellion; by
“ which peremptory and unusual charge, our
“ fears of a more summary and strict course
“ of proceeding in thir matters are augmen-
“ ted, and the course of our supplications in-
“ terrupted; wherefore we are constrained,
“ out of the deep grief of our hearts, humbly
“ to remonstrate, that, where the archbishops
“ and bishops of this realm, being intrusted
“ by his majesty with the affairs of the church
“ of Scotland, have drawn up and set forth,
“ or caused to be drawn up and set forth,
“ and enjoined upon the subjects, two books,
“ in the one whereof, called, *The book of com-*
“ *mon-prayer*, not only are sown the seeds of
“ divers superstitions, idolatry, and false doc-
“ trine, contrary to the true religion establish-
“ ed in this realm by divers acts of parlia-
“ ment; but also the service-book of *England*
“ is so abused, especially in the matter of
“ communion, by additions, substractions, in-
“ terchanging of words and sentences, falsify-
“ ing of titles and misplacing of collects, to
“ the disadvantage of reformation, as the *Ro-*
“ *mish* mass is, in the main and substantial
“ points,

1637. " points, made up therein, (as we offer to in-
 ~~~~~ " struct in time and place convenient) quite  
 " contrary unto, and far ranversing the gra-  
 " cious intention of the blessed reformers  
 " of religion in *England*. In the other book,  
 " called, *The canons and constitutions for the go-*  
 " *vernment of the church of Scotland*, they have  
 " ordained, that whosoever shall affirm, that the  
 " form of worship contained in the book of  
 " common-prayer and administration of the  
 " sacraments, (whereof heretofore and now  
 " also we complain) doth contain any thing  
 " repugnant to the scriptures, or is corrupt,  
 " superstitious, or unlawful in the service and  
 " worship of God, shall be excommunicated,  
 " and not be restored but by the bishop of the  
 " place, or archbishop of the province, after  
 " his repentance and publick revocation of  
 " this his wicked error; beside an hundred of  
 " canons more, many of them tending to the  
 " reviving and fostering of abolished supersti-  
 " tion and error, and to the overthrow of our  
 " church-discipline established by the acts of  
 " parliament, opening a door for what far-  
 " ther innovations of religion they pleased to  
 " make, and stopping the way which law be-  
 " fore did allow to us for suppressing of er-  
 " ror and superstition; and ordaining, that  
 " where, in any of the canons, there is no pe-  
 " nalty expressly set down, the punishment  
 " shall be arbitrary as the bishop shall think  
 " fittest; all which canons were never seen  
 " and allowed in any general assembly, but  
 " are imposed contrary to order of law ap-  
 " pointed in this realm for establishing of mat-  
 " ters ecclesiastick; unto which two books the  
 " " foresaid

" foreſaid prelates have, under truſt, procured <sup>1637.</sup>  
" his majeſty's royal hand and letters patent, <sup>W</sup>  
" for preſſing the ſame upon his loyal ſub-  
" jects, and yet are they the contrivers and  
" deviſers of the ſame, as doth clearly appear  
" by the frontiſpiece of the book of com-  
" mon-prayer, and are begun to urge the ac-  
" ceptance of the ſame, not only by injuncti-  
" ons given in provincial aſſemblies, but alſo  
" by open proclamation and charges of hor-  
" ning, whereby we are driven in ſuch ſtraits,  
" as we muſt either by proceſs of excommu-  
" nication and horning, ſuffer the ruin of our  
" eſtates and fortunes, or elſe, by breach of  
" our covenant with God, and forſaking the  
" way of true religion, fall under the wrath of  
" God, which, unto us, is more grievous than  
" death; wherefore we, being perſuaded that  
" theſe their proceedings are contrary to our  
" gracious ſovereign his pious intention, who,  
" out of his zeal and princely care of the  
" preſervation of true religion eſtabliſhed in  
" this his ancient kingdom, has ratified the  
" ſame in his highneſs's parliament 1633. and  
" ſo his majeſty to be highly wronged by the  
" ſaid prelates, who have ſo far abuſed their  
" credit with ſo good a king, as thus to en-  
" ſnare his ſubjects, rend our church, under-  
" mine religion in doctrine, ſacrament and  
" diſcipline, move diſcontentment betwixt  
" the king and his ſubjects, and diſcord betwixt  
" ſubject and ſubject, contrary to ſeveral acts  
" of parliament, do, out of bound duty to  
" God, our king, and native country, *complain*  
" of theſe foreſaid prelates, humbly craving  
" that this matter may be put to tryal, and  
" theſe



1637. " these our party taken order with according  
 " to the laws of the realm, and that they be  
 " not suffered to sit any more as our judges,  
 " until this cause be tryed and decided accor-  
 " ding to justice ; and if this shall seem to  
 " your lordships a matter of higher impor-  
 " tance than ye will condescend to until his  
 " majesty be acquainted therewith, then we  
 " humbly supplicate that this our grievance  
 " and complaint may be fully represented to  
 " his majesty, that, from the influence of his  
 " gracious government and justice, these  
 " wrongs may be redressed, and we have the  
 " happiness to enjoy religion as it hath been  
 " reformed in this land."

By  
 whom  
 subscrib-  
 ed.  
 Ibid. p.  
 133.

Ibid. p.  
 135.

This complaint was instantly subscribed by twenty four nobles, several hundreds of gentlemen, some hundreds of ministers, and the most of the boroughs ; and, because it was not received in by the council at this diet, as we shall hear anon, it was subscribed soon thereafter by fourteen nobles more, gentlemen without number, the generality of ministers, (the doctors of *Aberdeen*, and a few in the seats of the other universities, and perhaps a rare person here and there excepted) and by all the towns except *Aberdeen*.

Bp. Guthrie de-  
 tected.  
 Mem.  
 p. 30.

" Many of the ministers present in *Edin-*  
*burgh*, when that complaint was first exhi-  
 " bited to them, refused to concur therein,  
 " (says bishop *Guthrie*) professing that they  
 " came there only to be freed of the service-  
 " book, and otherways had no quarrel to the  
 " bishops ; which being reported to the noble-  
 " men, they sent *Roths* and *Lowdown* to per-  
 " suade

“ suade the ministers, who, with their long o- 1637.  
 “ rations (wherein was a mixture of allure-  
 “ ments and threatnings) prevailed so upon  
 “ the ministers, that the challenge against the  
 “ bishops was instantly subscribed by them  
 “ all.” But Mr. *Baillie*, who was present in  
 that meeting of ministers, candidly acknow-  
 ledges that he was the only person there who  
 hesitated to subscribe; that he was in a diffi-  
 culty at first, on account of some hard expres-  
 sions were in it, “ but (says he) after a lit-  
 “ tle silence and advisement, I got my mind <sup>Ibid. p.</sup>  
 “ extended to subscription, upon thir two <sup>134.</sup>  
 “ grounds; 1. That the words *seeds of idolatry*  
 “ *and superstition*, and the *mass*, might, with-  
 “ out forcing them, reach far; and indeed,  
 “ according to my mind, after the *Canterbu-*  
 “ *rians* late commentaries, such seeds truly  
 “ were sown. 2. That, who subscribe a com-  
 “ plaint upon the narrative of many wrongs,  
 “ it was enough to abide by the conclusion,  
 “ and so many of the premisses as truly do  
 “ justify it. Upon thir two grounds I got  
 “ my hand to that writ, and did never re-  
 “ pent of that subscription; for, after tryal  
 “ and much study, I think there is no word  
 “ in it which I could not defend in reason.”

While this paper was in subscribing, the *E-* Another  
*dinburghers*, especially the females, became tu- tumult  
 multuous; they found their supplication had in *Edin-*  
 never been presented to the king; they saw burgh.  
 the courts removed, the greatest evil which  
 they did fear executed upon them; they un-  
 derstood likewise that the provost had promi-  
 sed to bring them to the embracing of the ser-  
 vice-book, and they were afraid that the no-

1637. bles and gentry were charged to depart from the city, that they, being left alone, might, by their provost's threatnings or allurements, be brought to comply; so the populace, to the number of some hundreds, beset the house where their town-council were then convened; and demanded that the provost and council would appoint commissioners to join with the rest of the country in their supplications and complaint, and that they would restore Mess. *Rollock* and *Ramsay* ministers, and Mr. *Henderson*, a reader or precentor, who had all been suspended from their offices on that score; and, that such denunciation might not be wanting as was in their power, they told the council full plainly, that, unless all were granted presently, they needed not expect to come out alive.

Force  
their  
town-  
council  
to join  
with the  
suppli-  
cants.  
Ibid  
p. 136.

The council considering that this was no time for arguing, granted all that was sought: *James Cochrane*, *John Smith*, and a third of their old bailies in whom they had most confidence, were nominated commissioners to concur with the other supplicants, and an act subscribed by all their magistrates in favour of their suspended ministers and reader was likewise given out to them, and then they went off in triumph.

Insult  
the bi-  
shop of  
*Galloway*,  
Ibid p.  
16, 136.

But, unluckily for those matrons, they knew not where to stop, nor when to hold themselves content: For the bishop of *Galloway* coming up the street towards the tolbooth, for the examination of some witnesses in a cause betwixt the earl of *Roxburgh* and *Francis Stewart* son to the late earl of *Bothwell*, they would needs examine his lordship concerning the



the wearing of a crucifix of gold under his coat, of which he had been accused by the earl of *Dumfries* some years before; and, from interrogatories, they proceeded to tug and draw the poor bishop most unmercifully, till he was relieved by some gentlemen, partly by soft words, and partly by making some faint attempts to use violence against the assailants.

But tho' this repulse wrought the bishop's liberty, the attackers, recollecting themselves, would not put up with the affront, but returning with greater violence, they beset the council-house, whither the bishop fled, and demanded that both he and the provost might be given up unto them. The council being thus beleagured, had recourse to the city magistrates for relief, but they not being able to afford any, they applied next to the nobles, whom they had so lately commanded off the town, to come to their assistance, who, after some sober dealing with the populace, prevailed with them to retire to their several habitations; after which the councillors retired in safety to *Holy-wood-house*.

In the afternoon proclamation was made, declaring this tumult to be barbarous, insolent, and all the evils any could call it, and commanding, under the highest pains, that none of the inhabitants should be seen in the street, except for their necessary affairs.

Upon the back of this an express was sent to court, wherein that matter was exaggerated to the last degree, and, it seems, the bishop and provost were so afraid of the inhabitants, that they would not, for some time, trust themselves in their reverence. The bishop fled

1637.

and beset the secret-council. Ibid. and *Rapin*, p. 301.

A proclamation against the rioters, *Baillie*, p. 136.

The provost and bishop fled off the town. Ibid.

off

1637. off to *Dalkeith*, the seat of the lord treasurer, and the provost pretended to go off immediately for court; but, after second thoughts, and a sound sleep, he thought fit to take up his quarters in *Leith* for some days, until the people were appeased, and then returned to his old lodgings.

The petitioners apply to the council,

This fray being over, the complainers against the bishops used all diligence to get a meeting of council, and at length, by the solicitations of the nobles, they obtained it. The lord *Lowdown*, in name of the supplicants, made a smooth complaint of the severity wherewith they were used, and desired liberty to remain in town, in order to prepare for term-affairs, and that the council would receive their supplication.

and are indulged some farther liberty. Ibid. p. 137.

Upon this solicitation the council granted liberty to them to stay twenty-four hours longer, and to all who would come and shew the necessity of their particular affairs they promised a licence to stay longer; but refused to read their supplication, pleading the king's interdiction as their Warrant not to meddle with any thing at that diet which concerned the church.

The bishop and provost blame the nobles. Ibid.

And so far were the bishop and provost of *Edinburgh* from thanking the nobles for rescuing them from the fury of the mob, that they did chide them severely, as if by the numerous conventions of the supplicants the others insolence was cherished and maintained: But the more wise amongst the councillors reprehended this impertinence; and, lest the publick tranquillity should come to suffer, by provoking the supplicants, and wearing out their

their patience after this manner, they assured 1637. them of their willingness to listen unto their complaints, and give them a favourable answer whenever their hands should be loosed.

That afternoon the nobles, and so many of the other supplicants as could, met together in the lord *Balmerinock's* lodgings, in order to concert proper measures for making the best use that wisdom and diligence could of every occasion. In this meeting the lords *Balmerinock* and *Lowdown*, and some of the ministers, did greatly strengthen others with their speeches. Our author, who was no mean judge, says, that the eloquence of these two lords, upon this occasion, did greatly charm him; that the harmony, mutual love, zeal and gravity amongst all, was greater than had been seen in any meeting of ministers for forty years past; and that, in the conclusion, Mr. *Thomas Abernethy* made a most pathetick speech to the nobles and gentry, exhorting them, that, as they had been exemplary unto the people, in a seasonable appearance for the interests of religion, they would be no less so in the reformation of their own persons and families; which all took in good part, and promised fair; and so they parted for that time, to meet again the 15th of *November*, as coinciding with term-affairs.

A meeting of the petitioners, and their laudable behaviour. Ibid. p. 138.

According to the proclamation for adjourning the session to *Linlithgow*, the lord treasurer and other members of court went to that place upon the first of *November*, and made a fashion of constituting the same in the palace; but that house being out of order, and the advocates and writers refusing to attend there for

The court of session sat down at *Linlithgow*. Ibid. p. 144.



1637. for want of accommodation, they wrote there-  
 of to the king, who adjourned it to *Stirling*.  
 But, passing this,

The  
 meeting  
 in No-  
 vember  
 very  
 numer-  
 ous.  
 Mem. p.  
 31.

The fame of the meeting intended to be  
 up n the 15th of *November* spread quickly o-  
 ver the country; " and (says bishop *Guthrie*)  
 " the ministers thundered so from their pul-  
 " pits, that, against that day, multitudes of  
 " all sorts of people, (in greater numbers than  
 " formerly) from all quarters, came to *Edin-*  
 " *burgh* with their supplications; and, among  
 " other nobles who had not been there, came  
 " the earl of *Montrose*, — so that the bishops  
 " thought it time to prepare for a storm."

A meet-  
 ing of  
 council  
 at *Lin-*  
*lithgow*.  
*Baillie*,  
 p. 138.

To counterpoise all sinister accidents, the  
 lord treasurer indicted a meeting of council at  
*Linlithgow* the 14th of *November*, where, af-  
 ter consulting what course they should take  
 with the petitioners, they did break up the  
 diet and came to *Edinburgh*.

The  
 coun-  
 cillors  
 endea-  
 vour to  
 persuade  
 the lords  
 of the il-  
 legality  
 of their  
 meeting.  
*Ibid.* p.  
 139.

Being come thither, they found that the  
 number of those who came up to supplicate  
 for an answer to their former supplications was  
 greatly increased; so the lord treasurer, with  
 the earl of *Lauderdale* and the lord *Lorn*, as the  
 three wisest, and least exceptionabl of the  
 council, wrote to the nobles convened, en-  
 deavouring to persuade them, that their meet-  
 ing so frequently, and in such numbers, was  
 informal, disorderly and illegal.

The  
 lords an-  
 swer.  
*Ibid.* p.  
 139, 142.

To which it was answered, that the petition-  
 ers had, at this time, so divided themselves in  
 several companies, and kept within doors, that  
 their numbers occasioned very little disorder;  
 that all of them were desirous that the neces-  
 sity of so many important matters, as their last  
 petition

petition did contain, should be made known to his majesty: That, those matters being of common and publick concern, and what all the lieges had an interest in, their joint concurrence in supplicating, and attending the answer to those supplications, were justifiable by reason, law, equity and custom, according to K. James his uncontroverted axiom in the beginning of his discourse on the powder-plot, that *pro aris, & focis, & patre patria*, and the danger of any of these, is a time when no man ought to keep silence, but that the whole body of the commonwealth should stir at once, not any more as divided members, but as an undivided body.

At the same time the petitioners signified, that, as the redress of their grievances was like to take up some time, they were willing, both for eviting giving offence by the greatness of their number, and to prevent so great trouble to themselves, to chuse a few of the nobles, two gentlemen out of each shire, one minister for each presbytery, and one burghers for each burgh, as commissioners for the whole, to attend his majesty's answer to their supplications.

The council being afraid, and not without reason, that some tumult, or greater evils, might arise from so great a concourse of people, were content of this motion, only they suggested, that of these a few were sufficient to attend at a time, and promised to give them timeous notice of his majesty's answer, which they trusted would come shortly.

Accordingly those who stood for the reformation came to a resolution, that all the nobility,

A proposal made to act by commissioners. Ibid. p. 140.

The motion agreed to by the council. Ibid.

1637.

Tables  
erected.  
Ibid. p.  
142. and  
Neale's  
hist. pur-  
rit. vol.  
ii. p. 318.

lity, or so many of them as pleased, with two gentlemen for every shire, one minister from every presbytery, and one or two from every burgh, should represent the whole supplicants, which commissioners were, for their sitting separately, each rank consulting by themselves, called THE TABLES; and, because it was intended that those whole commissioners should only attend upon extraordinary occasions, it was agreed, that the earls of *Roths* and *Montrose*, with the lords *Lindsay* and *Lowdown*, for the nobles, the lairds of *Keir*, *Cunninghamhead* and *Auldbar*, for the shires, *James Cochran* and *John Smith* late bailies of *Edinburgh*, with the provost of *Culross*, for the burghs, and Mr. *James Cunningham* at *Camnock*, and Mr. *Thomas Ramsay* at *Dumfries*, for the ministers, should act as deputies for the whole, and constantly reside at *Edinburgh*, to receive the answer of their petitions, and give in remonstrances as they should find occasion, and to do and perform everything which the whole might lawfully do, for promoting and furthering of the petition and complaint subscribed by them, or presenting new grievances to the same end, having the approbation of the whole commissioners. And to this effect they received written commissions, which were to continue in full force until recalled by their constituents. And,

An order  
for cor-  
respon-  
dence  
settled.  
Ibid. p.  
116, 142.

Upon this occasion the gentry concerted a method whereby others should by turns succeed in their place, and whereby the whole country might, upon any emergency, be advertised in a trice, and timeously convened. These things being settled, the petitioners repaired



paired peaceably to their several abodes, after 1637.  
they were all of them seriously admonished, and had solemnly promised reformation of life and manners, and the serious exercise of fasting and prayer, that God would be merciful unto them, and that he would turn the heart of their king to these counsels which would best promote the divine glory, the establishment and honour of the crown, and the safety and peace of the subject.

A laudable resolution taken by the petitioners. Hist. mot. p. 38.

Next day the deputies, who were appointed to attend at *Edinburgh*, waited upon the lords of secret council, and propounded to them the following requests, viz. 1. That if they received not satisfaction by the courses proposed, and found not his majesty rightly informed of their grievances, they desired they might not be mistaken if they should convene their constituents. 2. They desired satisfaction of some bishops and ministers, who had not only in private discourse, but also publicly in their sermons, slandered the supplicants as mutinous, seditious and rebellious. 3. That the citizens of *Edinburgh* having done no harm (except what was done by some clamorous people amongst them, whom they could not prevent) their lordships would interceed with his majesty to restore the courts of judicature unto them. 4. That Mess. *Ramsay* and *Rollock*, ministers, might likewise be reposed to their places. And, 5. That the bishops might be ordained to leave off the practice of the service-book, until the king's mind was known.

The deputies requests. Baillie, p. 149.

The lords, though chapterly convened protested they were not a council, and therefore they gave only general answers to those

The council's answers. Ibid. p. 141, 142.

G g requests.

1637. requests. The first they accounted premature. The second they slighted as passionate words, unworthy to be remembered. The third they would not meddle with, because it came not from the provost and magistrates of *Edinburgh*. To the fourth the bishop of *Edinburgh*, who was present, and pretended the greatest interest in that matter, professed his willingness, provided it were done with the king and the chancellor's consent. And, for the fifth, the lords said they would advise with the bishops concerning it.

A singular protest taken by bishop *Wedderburn*.  
Ibid.  
p. 141.

The last was farther urged from a report made by the bailie of *Brechin*, that doctor *Wedderburn* their bishop was so eager for the service-book, that he discharged their town-council to chuse a commissioner to supplicate against it; and, when they would not forbear, he took instruments in the name of God, and of the king, and in his own name, (being a councillor) that he had discharged them.

His affected zeal for the service occasioned a mob.  
Ibid.

Against this vehemence, both the chancellor and treasurer did caution bishop *Wedderburn*; but he, being resolved to serve the king at a time when other feeble cowards couched, would not be advised. Upon the *Sabbath* following he went to the pulpit with his pistols, and, as was reported, his servants, and even his wife, were prepared for hostility. He entered the church before the usual time of worship, closed the doors behind him, and read his service; but, as he was returning home, the people having by that time got notice of his exercise that morning, flocked about him, and handled him so rudely, that he fled with all his speed, and never had courage to play that game over again.

Not-

Notwithstanding the councillors had solemnly protested to the deputies for the petitioners, that they were not met in council, yet, upon the 17th of *November*, they wrote two letters, in the council's name, one to the king, and another to the earl of *Stirling*, the secretary for *Scots* affairs, to be communicated to his majesty, wherein they inform, that, in respect of the important time of the term (which, for the settled custom and practice of the country, is the indicted diet for intercourse of money, payment of debts, and performance of bargains) there should be forbearance of a prohibitory proclamation: That having, by the lords *Treasurer*, *Lauderdale* and *Lorn*, represented to the nobility, gentry, ministry and boroughs, how much it was to be feared that such numerous convocations would be offensive to his majesty, &c. the nobility, and others foresaid, did, with all dutiful respect, vindicate and clear themselves from all imputation of disloyalty, and sincerely professed and affirmed, that the cause and end of their coming to *Edinburgh*, was to attend, with humble and submissive obedience, the return of his majesty's gracious pleasure concerning their former petitions; as also because they suspected that the council had not so fully and clearly represented their grievances to his majesty, against the service-book, as was necessary; and, because they conceived themselves and their fortunes to be brought into great danger by the vast and unbounded power of the high-commission, they were, for redress of these, laid under the inevitable necessity of addressing the council by their humble petitions; that

1637.

Abstract  
of the  
council's  
letters to  
the king  
and se-  
cretary.  
Ibid. p.  
80.



1637, that it was not without great difficulty the multitude convened could be prevailed with to disperse, and not until they the council would give way to their desire; that, whenever his majesty's pleasure concerning the service-book should be returned and made known to the council, or as, upon occasion, they should find themselves justly grieved, they might be allowed, by their commissioners, to represent their grievances, and receive his majesty's, or the council's, favourable answer to the same.

The lord  
privy-  
seal ar-  
rives  
with an  
ample  
commis-  
sion.  
Ibid. p.  
113.

The supplicants were scarce got home when they heard of the arrival of the earl of *Roxburgh*, lord privy-seal, who had gone up to court after the meeting of council in *October*, and now returned with a letter from the king to the council, dated the 15th of *November*, by which they were commanded to give full credit to his lordship's information, in all things which he should communicate unto them by word or write, concerning the present state of the kingdom, and conform themselves unto the remedies which were thought necessary for the same.

A meet-  
ing of  
council  
called,  
and the  
commis-  
sioners  
conven-  
ed.

In consequence thereof the councillors were wrote for to meet at *Linlithgow* upon the 7th of *December*; and, because there were some hints given which seemed to import that one of *Roxburgh's* private instructions was the apprehending of some of the ring-leaders amongst the nobility, the deputies for the petitioners were no less careful to advertise their constituents.

Ibid. p.  
113.

Accordingly, the whole commissioners came to *Edinburgh*, upon the 5th of that month; but the treasurer, judging their presence no-  
ways

ways seasonable, dealt earnestly with them 1637, not to go to *Linlithgow*; and this, after much debate, was yielded to, upon assurance given, that nothing should be done to their prejudice, and that they should have a new meeting of the council within four days thereafter.

Upon the 7th of *December*, the councillors being pretty fully convened at *Linlithgow*, his majesty's letter of trust to *Roxburgh* was read, and the earl's private instructions communicated, by which they learned, that his majesty, though averse to the council's judging in these controversies, was desirous to have his subjects retain a good opinion of him, and that the course of justice, which had been stopt for near a twelvemonth, might again have free egress: Whereupon the council made three acts; one declaring that his majesty had had no intention to make any change in the religion or laws of the country; another ordaining that the meeting of council should be kept weekly in *Dalkeith* until the first *Tuesday* of *February*, and thereafter in *Stirling*, and that they should sit every *Tuesday* for settling the business of the estate, and every *Thursday* for hearing the complaints of parties grieved; and requiring the councillors, in respect of the present exigence, to attend more punctually upon the diets of council than they had done formerly; and a third act for the down-sitting of the court of session at *Stirling* upon the first *Tuesday* of *February* following: All which were proclaimed, by sound of trumpet, over the crosses of the burghs of *Edinburgh*, *Stirling*, *Linlithgow*, &c.

The proceedings  
of the  
council.  
*Ibid.*

But

1637. But, as the two last of these acts did not respect  
 the general complaints of the lieges, we shall  
 only transcribe the first, which runs thus :

Act of  
 council.  
 Ibid.  
 p. 52.

Apud Linlithgow, 7th of Dec. 1637.

*Forsuameikle as the king's most sacred majesty, having seen the petition presented to the lords of his privy-council, and by them sent up to his majesty, concerning the service-book, determined to have taken the same to his royal consideration, and to have given his gracious answer thereanent with all conveniency ; likeas his majesty, by his letter to the council, of the date the 9th day of October last, did signify his gracious resolution to the effect foresaid ; but, since that time, his majesty finding, far contrary to his expectation, that such disorderly, tumultuous and barbarous insolencies have been committed within the city of Edinburgh, upon the 18th day of October last, to the great contempt of his majesty's authority royal, by abusing his majesty's counsellors and officers of state, and others bearing charge and authority under his majesty within the said city, his majesty, in a just resentment of that foul indignity, wherein his majesty's honour did so much suffer, has been moved to delay the signification of his majesty's foresaid gracious intention, in giving to his good subjects such satisfactory answer to their petitions as would have been in equity expected from so just and religious a prince ; but yet, his majesty being unwilling that his majesty's loyal and faithful subjects should be possessed with unnecessary and groundless doubts and fears, his majesty is pleased, out of his goodness, to declare, likeas his majesty, by thir presents, declares, That, as he abhors all the superstitions of popery, so he will ever be most careful*



careful that nothing be allowed within his majesty's dominions but that which shall tend to the advancement of religion, as it is presently professed within this his majesty's ancient kingdom of Scotland; and that nothing is, or will be, intended to be done therein against the laudable laws of that his majesty's native kingdom; and ordains proclamation to be made hereof at the head burghs of this realm.

On this act the ingenuous *Rapin* observes, "That, according to the king, the true religion was that of the church of *England*: "That, by the religion presently professed, he meant only that which contained the hierarchy and episcopacy; and, by the laws of the kingdom, he understood those that were enacted after the king his father's accession to the crown of *England*. It is at least certain the malcontents gave this sense to his general expressions, from whence they inferred, he was very far from desisting from what he had undertaken, and still farther from pardoning the late disorders at *Edinburgh*: Wherefore they resolved to take measures, not only to secure themselves from the king's resentment, but also to cause all the innovations complained of to be abolished."

*Rapin's*  
observa-  
tion on  
this act.  
vol. ii. p.  
302.

And now the councillors finding that the surprising of the leading nobility was not to be attempted, and that the very poorest of them was not to be taken off with large offers of posts, pensions and preferments (for this, according to my author, was also contained in

*Baillie,*  
p. 244.

*Rox-*

1637. *Roxburgh's* indefinite commission) their next device was to divide them.

An attempt to divide the petitioners. *Craf. book iii. sect. 1.*

And so, upon the 9th of *December*, the lord *Treasurer* and lord *Privy-seal* sent for some of the commissioners to *Holy-rood-house*, and were waited upon by four noblemen and a baron: When they went thither, the lord *treasurer* expatiated upon the king's condescension, how graciously his majesty had expressed himself by his late proclamation, having cleared any fear that had been conceived of a change of religion; and therefore desired the commissioners to be wise in their proceedings, having to do with so good a king; and seeing the book of common-prayer was the cause which moved them first to supplicate, that being superseded, why should they not acquiesce?

The petitioners answer. *Ibid.*

To this it was answered, that the proclamation was unnecessary with respect to them, who never made any doubt of his majesty's love to religion, but, on the contrary, had declared against that suspicion, by imputing the innovations imposed upon them to the bishops, who (they supposed) would prove guilty of that fault. As for the book of common-prayer, (they said) it was not sufficient to supersede it only, for then it might be introduced again, but that it was necessary to remove the same by the same authority which introduced it: And, for the canons and high-commission, they could not omit to seek relief from them, because they overturned all church-discipline, subverted the lawful judicatures, and endangered their estates and liberties, being introduced without, yea, contrary unto all order of

of law formerly appointed for establishing of 1637. ecclesiastical constitutions and lawful judicatories in this kingdom.

The lord treasurer replied, That, supposing all the things complained of were necessary to be removed, yet, as they had to do with a king, it was fit that he should prescribe both the order and time of doing it; and advised them not to take too much in hand at once, lest that should spoil all, and they, by a precipitate pushing for censuring of the bishops, prove a mean of their higher exaltation.

The  
lord trea-  
surer's  
reply.  
Ibid.

Whereunto the commissioners duplied, That wrongs done to religion ought to be speedily repaired by his majesty, as being the LORD's deputy over his people, especially for preservation of that religion to which he himself is subjected as well as the people; and that the corrupting of true worship, and introducing of superstition and idolatry, were crimes which the jealous God would not long bear with, and from which they were confident to have obtained redress ere now, had the king been truly informed of the unsoundness of these books, and the wickedness of the other innovations complained of.

The  
commis-  
sioners  
duply.  
Baillie,  
p. 204.

As this engine would not work, these courtiers desired the supplicants would divide their petitions, because, their numbers being great, it would be less obnoxious to any construction of combining against authority, and more acceptable to his majesty, that each degree would petition separately, and where these were numerous, as was the case with the gentry, that they would come by counties, and at different

A new  
device  
for divi-  
ding  
them.  
Craw.  
book iii.  
sect. 1.



1637. diets. The supplicants looked upon this as a piece of state-policy, that in this way they might be the more easily overturned; nor was it unknown to them that the *Britons*, in former times, were, as *Tacitus* writes, ruined by the *Romans* through such a method as this; while they fought separately, they were universally overcome; and therefore the supplicants disdained such fatal counsels, and would not divide their petitions, 1. Because they were commissioners limited by those who had intrusted them with a commission, and therefore could do nothing without consent of their constituents. 2. The cause wherein they were employed was equally common to all, and therefore to divide were to condemn their former meetings. 3. If the supplicants should appear separately, it would overturn all order, and bring in confusion; diversity of motions working upon several humours and judgments, might tend to the disadvantage of the cause; separate petitions might admit separate answers, which one and the same supplication could not admit; and, should they supplicate severally, they would become odious to their constituents.

Reasons  
for uni-  
ty.  
*Baillie*,  
p. 66.

The  
commis-  
sioners  
resolve  
to petiti-  
on jointly.

For these reasons the commissioners resolved to supplicate jointly, and, knowing the council was to sit upon the 12th of *December*, they went out to *Dalkeith* in a body, but were not allowed access: The lords of council sent out a macer to desire them to send in their petition with him, but the commissioners conceiving that this was a draught to disappoint them of an opportunity of declining the bishops (for the chancellor presided in the council,

council, and some other of the bishops were present in it) they refused to send in their petition; and desired him to inform their lordships that they were ready to deliver it themselves, and had something to speak for farther clearing of their minds. This being reported, the council sent out their clerk to the supplicants, desiring that every degree might present their petitions severally; this the commissioners refused also, because they were appointed to present one petition for all the supplicants; yet, after all, the clerk was sent on a third message, to demand whether they were come as the three estates, or in what other capacity; and he having misrepresented their answer (whether by mistake or of purpose is uncertain) the council delayed the affair till next day.

The commissioners getting notice that their answer to the clerk had been mistaken, they were much offended with him, and at great pains to undeceive the lords of the council, assuring them that they appeared in no other capacity but as supplicants of all ranks, and as such they desired to be heard.

When the councillors had received satisfaction in this particular, the earl of Southesk and the lord Lorn were ordered to deal with the commissioners, that they would alter some passages of the supplication presented the 18th of October, namely, that part thereof bearing that the archbishops and bishops were contrivers of the service-book, and this they would have restricted to some of them only; and where it is said, *That the matter may be put to trial, and these our parties taken order with,* they insisted

In what capacity the petitioners acted. Ibid.

The supplicants urged to alter their complaint. Ibid.

1637. insisted that the words *these our parties* might be left out, as favouring of revenge.

The sup-  
plicants  
against  
altera-  
tions,  
and their  
reasons.  
Baillie,  
p. 65.

But the commissioners opposed alterations in general, because, 1. It would offend the whole body of the church and kingdom, who had subscribed the complaint, if the commissioners should give way to alterations without their warrant. 2. It should hurt the cause, knowing that their adversaries would never cease to urge new alterations, if once they found the ice broken. And, 3. it would bring a sudden imputation upon them amongst foreign churches, some of whom had already received copies of their complaint.

Against  
altering  
the words  
archbi-  
shops and  
bishops.  
Ibid.  
p. 65.

And, more particularly, they answered, *No alteration of the words archbishops and bishops*, because, 1. It would put them off their ground, being the words of the proclamation in the frontispiece of the book. 2. It would puzzle them to design either bishops or archbishops. And, 3. It would make them acknowledge the fault to be personal, and so to be imputed to some, and not to the episcopal estate and hierarchy.

And a-  
gainst al-  
tering  
parties  
and pre-  
lates.

And they declined alteration of the words *prelates and parties*, because, 1. It would draw them upon a higher party, and so not only endanger their estates and persons, but also (which was more dear to them) point at the king's majesty's honour and undoubted affection to religion declared in the late proclamation. 2. If, after the complainers had designed them to be their parties, they should pass from the same, it were the greatest advantage that ever their estate got in this land, which, to that time, had been raised and set up only by corrupt

af.



assemblies, and presumptuous usurpations, 1637: without any consent or countenance of them or their predecessors, who were of their mind, which they would obtain by that capitulation, &c.

At the same time, lest the subscribers of the complaint should be anyways weakened or discouraged by such attempts, the authors of the complaint drew up the following.

**REASONS** for the clearing of those who have subscribed the complaint against the prelates for undermining of religion in the two books of canons and common-prayer

" We find the parties of this controversy to be the subjects of all estates on the one hand; the subjects, by way of supplication, calling to the lords of secret council, and by their means to the king's majesty, for justice, according to the laws of the realm, unto whose just complaint we have joined ourselves and subscribed the same as became us to do, for these reasons following.

" 1. The laws of God and man direct us, in case of injury in wrongs done to us, to seek redress by civil justice, and to demean ourselves to the ordinary judge by complaints and supplications; therefore could we not but chuse this course.

" 2. The wrong complained of, being no less than the overturning of religion, and ensnaring of all the subjects in the matter of their soul, body, and goods, it behoved us to hold hand to seeking of justice in so weighty a case.

" 3. Seeing

Reasons  
for sub-  
scribing  
the com-  
plaint.  
Ibid.  
p. 55.

1637: "3. Seeing we know the great commotion of minds in burgh and land for this innovation of religion, tending to a tumultuous stirring of the inconsiderate multitude, we find ourselves bound, as good subjects, and lovers of the king's honour and peace of the country, quickly to lay hold on so lawful and quiet a mean to still and pacify the commotion, that lawful remedy may be found by the magistrate.

"4. In our confession of faith, printed and set forth amongst the rest of the confessions of the reformed churches, we stand bound, by oath and subscription, to reject all points of popery, and to maintain the true religion as it is reformed amongst us; and therefore could not but subscribe so lawful a complaint, so many complainers undertaking to prove the same.

"5. We foresaw that an unanswerable outcry had been made against us by all the rest of the subjects, and namely by the commons in the several burghs and places where we dwell, if we had refused to subscribe with others.

"6. We being assured that it is better service to God, and to our sovereign the king, to assist justice, in a legal pursuing of the prelates, than to assist the prelates, either to go on in pressing their novations, or to escape the trial of law for their attempts, we have chosen to engage ourselves by our subscriptions to so just a complaint, being confident to be allowed for so doing by his majesty, so soon as he shall understand the truth of the matter.

Seeing

"7. Seeing

“ 7. Seeing no good patriot, of whatever  
“ affection to religion, can allow any novati-  
“ ons brought in without order of law, to the  
“ disquieting of the kingdom, nor disallow an  
“ orderly proceeding by lawful complaints a-  
“ gainst such unlawful courses, we could not  
“ be excused, at any hand, if we had not sub-  
“ scribed this complaint.

“ 8. Considering the complaint is intended  
“ wholly for the preservation of true reli-  
“ gion, and welfare of the kingdom, the glory  
“ of JESUS CHRIST, and honour of K.  
“ Charles, it had been both sin and shame, if  
“ either we had been neutral in this contro-  
“ versy, or had taken part with the guilty pre-  
“ lates.

“ 9. It were a wrong done to our sovereign  
“ to suspect that his majesty would be angry  
“ at his subjects for complaining on such as  
“ do them wrong, seeing we call to himself  
“ and to his council only for justice in a  
“ humble manner.

“ 10. If we should not subscribe, we de-  
“ clare thereby, that either we account the  
“ bringing in of the mass amongst us no wrong,  
“ or ourselves to be so indifferent, that we will  
“ use no lawful means to hold it out.

“ 11. If we subscribe not the complaint  
“ with others, we may justly be judged to re-  
“ ceive the book as consenters, and so both di-  
“ vide ourselves from the rest of the king-  
“ dom, and make way for division of our  
“ people amongst themselves.

“ 12. If we join ourselves with the rest,  
“ and so the body of the kingdom be found



1637. " of one mind, it is not likely but so just a  
 " king will give a gracious answer.

" 13. When the first proclamation and let-  
 " ters patent, for imposing the service-book  
 " and book of canons, was given forth, the  
 " king's majesty knew not that they contain-  
 " ed any superstitions of popery, or any thing  
 " contrary to the established religion and laws  
 " of the country; for now his majesty, hear-  
 " ing that these books are challenged as po-  
 " pish, and contrary to the laws, has, by pu-  
 " blick proclamation at *Linlithgow* and *Edin-*  
 " *burgh*, the 7th and 9th days of *December*  
 " 1637. declared, that he doth abhor all su-  
 " perstitions of popery, and will allow no-  
 " thing contrary to the true religion now pre-  
 " sently professed, and to the laudable laws of  
 " the kingdom.

" 14. His majesty has declared the peti-  
 " tioners against the service-book to be good,  
 " loyal, and faithful subjects, who may hope  
 " for such satisfactory answers from him as  
 " could in equity be expected from so just  
 " and religious a prince, as his late proclama-  
 " tion shews.

" 15. Such as refuse to subscribe, preten-  
 " ding only the offence of his majesty, have  
 " to take heed lest they be found to enter-  
 " tain in themselves, and foster in the hearts  
 " of others, suspicions of his majesty's mind,  
 " contrary to his expresse declaration in the  
 " proclamation.

" 16. Such as take a contrary course to the  
 " supplicants and subscribers, traducing them  
 " as disloyal subjects, have to take heed lest  
 " they be found encouragers or followers of  
 " affection

"affection for maintaining of superstition and 1637.  
 "popery, and unlawful practices contrary to  
 "the religion professed in this kingdom, and  
 "established by laudable laws, and to the king's  
 "proclamation."

The supplicants being thus shifted, and put off with one device after another, for two or three days successively, and knowing that the council was to sit no more until the following week, they set two or three of their number at each of the two doors of the council-house, ready to protest in name of all the subjects of the kingdom who had these things at heart, 1. That they might have immediate recourse to present their just grievances to their sovereign, and, in a legal manner, to prosecute the same before the ordinary competent judge, civil or ecclesiastical. 2. That the archbishops and bishops, being their parties, could not be reputed nor esteemed lawful judges to sit in any judicatory in this kingdom, civil or ecclesiastical, upon any of the supplicants, until they, (the bishops) after lawful trial, were judicially purged of such crimes as they had already laid to their charge, and which they offered to prove whenever access should be allowed to them to do so. 3. That neither they, nor any whose heart the Lord moved to join with them in supplicating, should incur any danger in life, lands, or other pains, for not observing such acts, books, canons, rites, and judicatories, as had been introduced without, or against, the acts of general assemblies, or statutes of the kingdom, but that it should be lawful to use themselves in matters of religion, of the external worship of God and policy

A resolution to protest.

The heads of that protest. Ibid. p. 63.

1637. of the church, according to the word of God, and laudable constitutions of this kirk and kingdom, and conform to his majesty's declaration the 9th of *December* last. 4. That, if any inconveniencies should fall out (which they did pray the LORD to prevent) upon the pressing of the innovations, or evils contained in their former complaint or supplications, and upon their lordships refusal to take order therewith, the same should not be imputed unto them, who had hitherto behaved in a quiet manner, and did seek all things to be reformed in an orderly way. And, 5. That these their requests proceeded from conscience, and did tend to no other end but the preservation of the true reformed religion, and satisfaction of their humble desires, contained in their supplications and complaint, according to his majesty's accustomed goodness and justice.

The petitioners are promised a hearing. Ibid.

P. 147.

Yet this protest was not given in, for the councillors having got information of the petitioners design, and knowing how intent they were upon a hearing, and fearing lest the deferring to hear them should produce worse effects, they assured them of a hearing upon *Thursday* the 21st of *December*, and even gratified them with an act to that effect.

Deputies named for presenting the petitions. Ibid. P. 60.

The commissioners advise for fasting,

In the meantime the commissioners, for avoiding all appearance of tumult, did appoint the twelve deputies before named to present their supplications and complaint to the council, and to act and do therein as fully and freely in all respects as they might or could have done themselves. They likewise thought proper, in respect of the present distress of the church, and small prospect of a comfortable



table outgate, that all ranks should set apart 1637. time for humiliation and fasting; and as they could not, in their present situation, indict a set universal fast, they left the time and causes to the discretion of the several ministers and their sessions, only they advised them to acquaint their people with the hainous nature of the late innovations, and how far they were contrary to the confession of faith, or covenant, sworn and subscribed by all ranks in the kingdom; and they gave their opinion that the universities should be admonished in a brotherly way to beware of the service-book, and of suffering any corrupt doctrine to be taught amongst them; but this only by the way.

and to admonish the universities. Ibid. p. 60.

At the time appointed the deputies from the commissioners appeared before the council, which now consisted of laymen only, for the bishops (whether to prevent the ignominy of being forced from it, or because the other councillors advised them to do so, is uncertain) had withdrawn themselves; and there the noble and truly religious lord *Lowdown*, viscount of *Aurence*, as the mouth of the other deputies, gave in new copies of the two supplications of the 20th of *September* and 18th of *October*, which had lyen in the clerk's hands, and copies thereof been sent up privately to his majesty, though not acknowledged by the council, because discharged at that time from meddling therein.

The deputies behaviour before the council. Ibid. P. 147.

Lord *Lowdown* gives in their old petitions.

With these old pieces (the copies whereof are formerly inserted) his lordship gave in a new supplication, which, after resuming the substance of their former supplications, adds,

with a new one. Ibid. p. 73.

by

1637

w.

by way of ~~farther~~ complaint, that, since that time, many of the prelates had publickly practised the liturgy themselves, and urged others publickly to practise the same; and that some of the ministers at *Edinburgh, &c.* had, in their speeches and sermons, defamed their legal proceedings, and humble supplications, with the odious and intolerable imputation of rebellion and conspiracy against authority, &c. Therefore they did earnestly crave, that the council would read, consider, and give a present answer to their supplications and complaints, or represent the same fully to his majesty, as the equity and great importance of their cause did require; and, for the better satisfying of their just desires, they besought their lordships to interceed with his majesty, that a warrant might be obtained for a formal and final determination, of these their overwhelming grievances, according to justice, and for prosecuting all who had thus injured them in their allegiance and loyalty.

and a  
declina-  
ture.  
Ibid. p.  
76 and  
147.

And, because the former declinature had not been given in, the said noble lord presented another, craving, that because the archbishops and bishops were by the foresaid supplications, made their direct parties, as contrivers, devisers, introducers, maintainers and urgers, upon them, and ~~others~~ his majesty's good and loyal subjects, of the *books of common-prayer* and *canons*, both altogether unlawfull, and by being authors of several other innovations and just grievances, set forth in their supplications, therefore they declined them, and humbly craved that the council would not suffer them to sit as their judges, until the cause

cause were tried and decided according to 1637. justice, &c.

Upon this production lord Lowdown took instruments in the hands of the clerk of council, with a *Carolus* of gold; and, being allowed to offer what he had farther to say, he delivered the following speech with great eloquence.

Upon which they take instruments.

My Lords,

" A more weighty and stately cause than  
 " this, for the which we compear before  
 " your lordships at this time, was never  
 " pled before any judge on earth, being for the  
 " defence of true religion and established laws,  
 " on which dependeth the welfare both of  
 " church and commonwealth, our condition  
 " of life, liberty and fortune in this transi-  
 " tory world, and our eternal happiness in the  
 " life to come; our duty to ALMIGHTY  
 " GOD, the supream KING of Kings, and our  
 " allegiance and duty to our sovereign lord and  
 " master the king, do call seriously upon us to  
 " consider, that, as the publick form of God's  
 " worship is the most comfortable and solemn  
 " action of us his creatures on earth, so the  
 " greatest grievance we can sustain is the alte-  
 " ration of religion, which, by the innovations  
 " complained of, is painfully changed, in doc-  
 " trine, sacraments and discipline, contrary to  
 " severall laudable acts of parliament, and the  
 " constitutions of the national assemblies of  
 " our church, by the illegal introduction of  
 " the book of canons and ordination, high-  
 " commission and service-book, called the book  
 " of common-prayer, in which are sown the  
 " seeds

Lord Lowdown's speech. Ibid. p. 120. 147.



1637. " seeds of diverse superstitions, idolatry and  
 " false doctrine, so as the *Romish* mass is in the  
 " main and substantial points made up there-  
 " in, which whole innovations, as they are  
 " fraughted with heaps of absurd and intoler-  
 " able pollutions in the matter, tending to the  
 " undermining and extirpation of true reli-  
 " gion, so, in the manner of in-bringing, they  
 " want the warrant of the general assembly,  
 " the only representative body of the church,  
 " or allowance of parliament, but are unlaw-  
 " fully introduced, contrary to both, by the  
 " prelates. First, by causing set forth a book  
 " of canons, wherein it is ordained, that,  
 " *whosoever shall affirm the form of worship in the*  
 " *service-book, and administration of the sacra-*  
 " *ments, doth contain any thing repugnant to the*  
 " *scriptures, or are corrupt, superstitious or un-*  
 " *lawful in the worship of God, shall be excom-*  
 " *municated*; which book of canons was the  
 " fore-runner and usher of the service-book,  
 " anno 1636. after which the service-book,  
 " by the bishops conduct, was, by act of coun-  
 " cil, ratified long before it was either printed  
 " or seen; and therefore, being thus sheltered  
 " by some shadow of authority, it took vent by a  
 " publick proclamation, charging all his maje-  
 " sty's subjects to conform themselves thereun-  
 " to, as the only form of God's publick wor-  
 " ship to be used within the kingdom; and tho'  
 " the book was not then seen by those who  
 " were charged to accept it upon implicit  
 " faith, yet were the ministers charged to buy  
 " the said books, for the use of their parishes,  
 " under the pain of rebellion; whereupon  
 " they were forced to supplicate your lord-  
 " ships

" ships of his majesty's council, by giving in 1637.  
 " a bill of suspension in the month of *August*,  
 " being charged in *July* before; and the sub-  
 " jects finding themselves thus ensnared be-  
 " twixt two extremes, by danger of rebellion  
 " and excommunication on the one hand, or  
 " of falsifying the way of true religion, and  
 " breach of our covenant with God on the  
 " other hand, could find out no such legal and  
 " safe way, as humbly to supplicate your lord-  
 " ships against these innovations, so far tend-  
 " ing to the overthrow of true religion and  
 " our lawful liberties; for preventing where-  
 " of we resolve to proceed in that most  
 " orderly and legal way which might wipe  
 " all imputations of factions, convocations,  
 " and tumultuous dealing, and which might  
 " best testify our loyalty to our king our ma-  
 " ster, by selecting one or two of the gravest  
 " ministers within each presbytery, and two  
 " discreet gentlemen from each shire, to pro-  
 " fer our complaints, and remonstrate our  
 " just grievances to your lordships, that by  
 " your lordships mediation the matter might  
 " be represented to his sacred majesty, from  
 " whose justice redress was humbly craved  
 " and expected, and supplications at several  
 " diets were given in, in name of the nobility,  
 " gentry, ministry and burgesses, to that effect,  
 " as the petitions themselves, especially those  
 " which were given in upon the 23d day of  
 " *September*, and 18th of *October*, do clearly  
 " proposit: At which time, by warrant from  
 " his majesty, procured, as we apprehend, by  
 " the bishops, the course of our supplication  
 " was interrupted, and the council at that  
 " time

1637. " time discharged to meddle with any church  
" business; and the supplicants, by open pro-  
" clamations were charged to depart off the  
" town, within the space of 24 hours, under  
" the pain of rebellion, whereby we were  
" constrained to give in that supplication the  
" 18th of *October*, containing a complaint a-  
" gainst the bishops and archbishops, as the  
" contrivers, maintainers, and urgers of the  
" service-book, and other grievous innova-  
" tions; and so, in obedience to the procla-  
" mation, that meeting was dissolved, and the  
" supplicants did return to the several places  
" of their residence, until the earnest desire  
" of a gracious answer of our former demands,  
" which was always longed for from his ma-  
" jesty, made us return to *Edinburgh* the 15th  
" of *November*, as a time convenient for our  
" meeting, being coincident with the term  
" and downsitting of the session; where we  
" might likewise consult and resolve upon the  
" most expedient way of remonstrating our  
" just grievances to the king's majesty: But  
" my lord treasurer, with the earl of *Lauder-*  
" *dale*, and the lord *Lorn*, having, out of their  
" respect to his majesty's service, and the  
" quietness of the country, signified to us  
" that so frequent a meeting might be miscon-  
" strued, and produce some dangerous effects,  
" even contrary to our intentions, to testify  
" how desirous we were to carry ourselves in  
" that humble and respectful manner which  
" might be most pleasant to his majesty, we  
" hope your lordships will bear us witness,  
" that we readily yielded, that this important  
" affair, so deeply concerning us all, might be  
" attended



" attended and prosecuted by a few; that 1637.  
 " thereupon our numerous meeting was dissol-  
 " ved, and commissioners chosen for attend-  
 " ing his majesty's answer, and to do what else  
 " might conduce for furthering our lawful  
 " desires, who have remained in *Edinburgh* till  
 " the earl of *Roxburgh*'s coming from court,  
 " with whom his majesty's answer was ex-  
 " pected, at whose return the privy-council  
 " was appointed to convene at *Linlithgow* the  
 " 7th of *December*, where we likewise expect-  
 " ed to have gotten his majesty's answer of  
 " our former demands, but were desired, by  
 " my lord treasurer and the earl of *Roxburgh*,  
 " not to appear at *Linlithgow*, upon a sused  
 " promise, that our petitions and desires  
 " should be judicially heard in council the  
 " next week thereafter. In obedience where-  
 " to, we did stay at *Edinburgh*, where, after  
 " your lordships returned from *Linlithgow*,  
 " there was a publick declaration, shewing,  
 " that his majesty doth abhor all superstitions  
 " of popery, or violation of the laudable laws  
 " of the kingdom, by which signification of  
 " his majesty's gracious pleasure, we are still  
 " more and more confirmed of his royal care  
 " for the preservation of religion established in  
 " this his antient and native kingdom, and are  
 " encouraged, with the greater confidence, to  
 " remonstrate and prosecute our just excep-  
 " tions and complaints against the service-  
 " book, and other superstitions and unlawful  
 " innovations, which we offer to prove, in  
 " time and place convenient, are contrary to  
 " our true reformed religion, contrary to the  
 " laudable laws of the kingdom, and contrary

1637. " to his majesty's gracious declaration: And  
 " seeing, after so long and patient attendance,  
 " our earnest desires do tend to the prefer-  
 " vation of true religion, which is the very  
 " salvation of our souls, his majesty's ho-  
 " nour, and the subjects lawful liberties, we  
 " beseech your lordships, out of that duty ye  
 " owe to God, to the king, and your native  
 " country, that ye will be pleased to read and  
 " ponder our supplications, and give such an  
 " answer thereto, as the justness of our cause,  
 " and the equity of our demands, do deserve;  
 " or, if this shall seem a matter of such im-  
 " portance as your lordships will not give a  
 " determinate answer until ye know his ma-  
 " jesty's royal pleasure, we humbly crave,  
 " that these our pressing grievances, and just  
 " desires, may be fully represented to his  
 " majesty by some of your lordships who have  
 " the honour, as prime officers of state, and  
 " as his highness's particular servants, to be  
 " intrusted with his majesty's royal com-  
 " mandments, whose faithful council and tra-  
 " vels are most requisite in the business which  
 " does so highly concern God's glory, the  
 " king's honour, and the good of his subjects:  
 " And in respect that, by the whole strain of  
 " our supplications and complaint given in  
 " to your lordships, the archbishops and bi-  
 " shops are our direct parties, as contrivers,  
 " devisers, introducers, maintainers and ur-  
 " gers of the book of common-prayer, the  
 " book of canons, and constitutions ecclesiastical,  
 " and other unlawful innovations, and  
 " just grievances, complained of by us, we  
 " did crave, that the matter might be put to

“ to tryal, and the prelates, our party, taken or- 1637.  
“ der with, according to the laws of the realm, ~  
“ and not suffered to sit as our judges, until  
“ the cause be tried and decided according to  
“ justice; and so the said prelates being our on-  
“ ly parties, upon whom we have at this time  
“ justly complained, we decline them as our  
“ party, and crave therefore that they be not  
“ permitted to sit as our judges until the cause  
“ be tried, seeing they cannot be both judge  
“ and party, but must be declined, according  
“ to the laudable laws of this and all nations  
“ in the like case; and our declinator ought  
“ to be sustained as relevant against the pre-  
“ lates, notwithstanding at this time they have  
“ purposedly absented themselves, because if  
“ the matter and action depending shall not  
“ receive a present decision, but shall happen,  
“ by answer or letter from his majesty, to be  
“ remitted back to the council, the chancellor,  
“ and other bishops who are councillors, will  
“ be judges in the complaint given in against  
“ themselves, and may give decision therein-  
“ till, before we be called or heard from the  
“ several parts of our residence in the coun-  
“ try, as well as they did inact the service-  
“ book before it was seen; and where, by  
“ our petition, it is craved, that the matter  
“ may be tried, and the bishops, as the party  
“ delinquent, taken order with according to  
“ justice. We declare, that our desires do  
“ chiefly tend to the preservation of true reli-  
“ gion, and the subjects lawful liberty; nei-  
“ ther do we crave the bishops blood, nor re-  
“ venge on their persons, but that the abuses  
“ and wrongs done by them may be truly  
“ remonstrated



1637. " remonstrated to his majesty; that, after due  
 W " trial of the wrongs, such order may be  
 " taken as the evils may be remedied, and  
 " the power that they have abused may be so  
 " restrained, as the like evils may be prevent-  
 " ed in time to come."

The  
 amount  
 of the a-  
 bove  
 speech.

After this noble lord had thus explained what had been done since their petitions were first presented to the council, what were the causes of these, how patiently they had waited for his majesty's answer, that they were ready to prove the bishops guilty of the most grievous crimes, and that it was therefore absurd to have them for their judges; the deputies from the ministers succeeded, when Mr. *James Cuninghame* made the following speech.

Mr.  
*Cuning-  
 hame's*  
 speech.  
 Ibid. p.  
 71.

" We account ourselves happy to appear  
 " before your lordships, whom God hath  
 " honoured with his own name, calling you  
 " Gods, to lay before your lordships our deep  
 " grievances and just exceptions against the  
 " book of canons and common-service, and  
 " other innovations, contained in our former  
 " supplications, tending to no less than the  
 " overthrow of religion, in doctrine and dis-  
 " cipline: This your lordships should take  
 " to your wise consideration, being a business  
 " which concerns the honour of the great  
 " and ever living God; the conscience and  
 " honour of your places ties you to this duty,  
 " in thankfulness, to honour your LORD, who  
 " has honoured you more than others; the  
 " loyalty ye owe to his majesty, our sovereign,  
 " answerable to that trust ye have from him,  
 " seeks

" seeks this at your hands, that ye vindicate 1637.  
 " his name from all unjust aspersions, ac-  
 " cording as his majesty has declared by his  
 " late proclamation, and, by true and full in-  
 " formation, make his majesty know wherein,  
 " and by whom, his honour is wronged, and  
 " this is the only way to your lordships ho-  
 " nour and happiness: Fearing God, he will  
 " build your houses so much the rather your  
 " lordships would lay this to heart, when ye  
 " remember that wonderful work, and way of  
 " his mercy, by your lordships noble ances-  
 " tors, his instruments of reformation, upon  
 " the hazard of their lives and lands, by whom  
 " God brought his gospel to this land, and  
 " from whom it has been conveyed to your  
 " lordships, and enjoyed by the whole body  
 " of this kingdom, with a special blessing, to  
 " the admiration of the world: And what shall  
 " more become your lordships, than to transf-  
 " mit the same in purity to your children, and  
 " to the ages to come, without mixture of  
 " the traditions of men, abjured in the con-  
 " fession of faith, and by the oath and cove-  
 " nant of the whole land? The eyes of that e-  
 " ternal God, who sits in your assemblies, and  
 " judgeth among you, are upon you one by  
 " one, and he will not think enough ye be  
 " not his enemies, if ye still shun your testi-  
 " mony at this time; *them that honour God*  
 " *he will honour, and they that despise him shall*  
 " *be lightly esteemed*: Remember Maroz was  
 " cursed when he came not to help the Lord,  
 " when he fought against the mighty. — Our  
 " humble request is, that your lordships would  
 " make petition for us to our king, and if (as  
 God

1637. "God forbid) your lordships should refuse,  
 " comfort and deliverance will come to his  
 " church by other means, not thought upon  
 " by your lordships, nor us. I pray God save  
 " your lordships from the sequel, as the words  
 " run; but we shall be hopeful, and heartily  
 " wish, that your lordships, in a deep and di-  
 " vine providence, may be appointed happy  
 " instruments at this time. We have to do  
 " with a good and just king, who, we are per-  
 " suaded, accounts it his honour and happi-  
 " ness to kiss the SON, to serve him in fear,  
 " and to rejoice with trembling; and we will  
 " rest assured, that, from the influence of his  
 " bounty and fatherly respect to this his anti-  
 " ent kingdom, especially in a matter of this  
 " importance, we shall receive a comfortable  
 " answer, by which our hearts shall have mat-  
 " ter of praise to God's holy name, and en-  
 " couragement more and more to have our  
 " hearty prayers to God, that his majesty may  
 " have many and happy days to reign over  
 " us; and for your lordships, as the blessings  
 " of the land, under whose shadow we may  
 " lead peaceable and quiet lives."

Mr.  
*Ramsay's*  
 speech.  
*Craw-*  
*ford,*  
 book 3.  
 p. 97.

Mr. *Cuninghame* having ended his speech,  
 Mr. *Ramsay* added, That he had been several  
 times before them as a complainer against pa-  
 pists, and never went from them without sa-  
 tisfaction, which he expected much more now,  
 being before them concerning popery itself,  
 the seeds of whose superstition and idolatry  
 were thick sown in the service-book, and its  
 hierarchical tyranny in the canons and high-  
 commission, &c.

These



These speeches being delivered with much strength and energy, are said to have greatly affected the auditors, and that the second drew tears from several of the councillors, and, it is believed, was the breaking of the snare to the lord Lorn.

When they were ended, the lords treasurer, privy-seal and register, exhorted the ministers to instruct the people to carry loyally to the king, and to think well of him, especially in the matter of religion: To which Mr. Cunningham answered, "Our consciences and our hearers were our witnesses, that we endeavoured to carry ourselves suitably in this respect, neither had we ever a thought to the contrary; but his majesty was wronged, after the manner that *Abasuerus* was wronged by *Haman*, and we are looking to see the way of the Lord's righteousness in his appointed time." This return was accounted very smart, and so much the more, as it could not be forethought; and, if we advert to the fate which some of these councillors met with shortly thereafter, it might likewise be accounted prophetic.

The deputies being fully heard, the lords of the council assured them, that they had their cause very much at heart, but, because they were expressly discharged by the king to do any more in relation to this controversy, they were sorry that they could not as yet answer the demands of the deputies, therefore they desired them to wait patiently for a short time, until they informed his majesty of all these things; and, in the mean time, they made the following act upon the whole.

The

1637.

Baillie,  
P. 148.

A smart  
repartee,  
Ibid. p.  
73.

The re-  
turns  
made to  
these pe-  
titions  
and  
speeches.  
Hist.  
mot.  
p. 40.

1637.

Dalkeith, 21. Dec. 1637.

Act of  
council.

The lords of secret council having read, heard and considered the supplications and petitions given in by the noblemen, barons, ministers and burgeses, and, finding the matter therein contained to be of that weight and importance, that they cannot determine therein till his majesty be acquainted with the same, and his royal pleasure returned thereanent; therefore the said lords, for answer to the said petitions, declare, that they will represent the same to his majesty's royal consideration, and that without prejudice of the declinature given in by the said supplicants, whereupon they shall be heard in time and place convenient; and, in the mean time, shall receive no prejudice.

A resolution to  
transmit  
the  
whole to  
the king.  
Baillie,  
p. 148.

The  
council's  
letter to  
the king.  
Hist.  
mot.  
p. 40.

The next question was, how all this business should be signified to his majesty: All agreed, that it was noways sufficient to commit the same to the common post, and that it was altogether necessary that some of the councillors should go up to court. Both Traquair and Roxburgh seemed emulous of the employment; some of the council inclined to the employing of the one, and some of the other, but most of both. At last, they came to a resolution to remit the choice of the bearer to the king's discretion; and wrote a letter, acquainting his majesty, that they had hitherto tried all these methods whereby they expected those disturbances might have been stilled, but that they were increasing every day, nor had they any hopes of seeing them settled, unless he would be pleased to shew some regard to the requests of his supplicating subjects: And, seeing he had reserved to himself alone

alone the judgment of these controversies, 1637. they earnestly intreated him to send for some of the members of council from Scotland, whom he could best trust, seeing this was an affair of greater moment than that it could be transacted by letters, as they had hitherto experienced, to their no small grief.

Upon this the council rose, and, next day, The the whole commissioners, who had waited the council rose, and the commissioners went off, Bailie, p. 148. the issue of that diet, set out for their several abodes, after they had relieved their former deputies, by nominating six others of the nobility, twelve of the gentry, and some few of the ministers and burgesses, to attend at Edinburgh, *per vices*, until the first of March, in order to receive his majesty's answer, and advertise the commissioners, in case of any unexpected emergency.

It were a piece of honour due to the memory of those zealous defenders of the true religion, to perpetuate their names to posterity, but these we cannot give farther than as they occur in the course of our narrative: The deputies named for the gentry, at this time, were the lairds of Keir, Dundass, Niddrie, Lawers, Lugton, Cunninghamehead, Lamington, Gadgirth, Scotsraig, Auldbar, Freeland and Aithie; and, because the manner of their advertising the commissioners affords a special evidence of their earnestness in promoting the ends of their deputation, and shews how easy it is, where there is a general concurrence, to maintain a speedy correspondence through all the country, we have added the same in the Appendix.

New deputies remain at Edinburgh,

Ibid. p. 16.

Append. No. iv.



1637. No sooner was the country away, but the provost of *Edinburgh* fell to his old trade of seducing the citizens; he dealt keenly with the town-council to supplicate the king by themselves for his favour, and for the pardon of the tumults which had been amongst them; and, to prevail the better, he promised, that both the privy-council, and the court of session, should be restored to them. With this bait, a great number of the town-council were almost taken; but the deputies from the supplicants, finding how the matter was like to go, engaged bailie *Cochran* and bailie *Smith*, two very good instruments in keeping that good town, to remonstrate, That their petitioning for such a pardon would be a taking all the guilt upon them, which had hitherto been imputed only to some base people in the town, who could not be found; that it would be used as a preparative to bring the whole city, and all in the kingdom who had opposed the liturgy, under the stigma of rioters, and consequently under the lash of the law; and that it would inflame the whole inhabitants, who were indeed little short of making an insurrection, upon the news of the provost's attempt; and so the design was laid aside, and the council resolved to stick closely by the rest of the petitioners, in defending the cause of religion, and to suffer all inconveniencies, rather than afford such a fatal example to the rest of the kingdom.

Presi-  
dent  
*Spotif-  
woode*  
goes to  
court,  
*Ibid.* p.  
149.

In the mean time, Sir *Robert Spotifwoode*, president of the session, set out for *London*, contrary to the deputies desire, who knew he was a professed enemy to them; the councillors dissuaded

An at-  
tempt  
made to  
with-  
draw the  
city of  
*Edin-  
burgh*,  
*Ibid.* p.  
148.

but the  
same was  
defeated.

dissuaded him likewise, but he pretended, 1637.  
 that secular business, of great importance, ob-  
 liged him to go at that time, and would not  
 be stopped. His friends gave out, that his only  
 errand was to compound for his father the  
 archbishop of *St. Andrews's* dismissal of the  
 office of chancellor, on account of his old age;  
 and others said, it was for the sitting of the  
 session, which had vaicked so long, to the great  
 prejudice of the lieges. However, of these  
 there was no more heard, but of the other, His un-  
favour-  
able ac-  
count of  
Scots af-  
fairs.  
*viz.* his proving an incendiary betwixt the king  
 and his subjects, there was much speaking; and  
 hard was his information to the king, as it not  
 only made him thoughtful, but sad and dejected,  
 until the earl of *Haddington*, being then at  
 court, and having got notice of it, had the  
 courage to put into his majesty's hand a mis-  
 sive from the earl of *Rothies*, his brother-in-  
 law, giving a much more favourable relation  
 of the state of affairs in *Scotland*, (for the truth  
 of which account he would be answerable).  
 This did somewhat alleviate the king's melan-  
 choly, and he gave liberty to the duke of *Len-  
nox* to write for the lord treasurer, and did  
 shortly thereafter write to him with his own  
 hand, to hasten up to court.

So soon as this came to be known to the 1638.  
 deputies, they were very desirous that the  
 lord treasurer would carry up an information, Traguir  
intreated  
 which the lord *Balmerinock* and Mr. *Archibald*  
*Johnston* (the only advocate who was as yet to carry  
a suppli-  
cation to  
the king.  
 trusted by the petitioners) had drawn; and  
 that he would present the same, with their  
 supplications, to his majesty. And, to induce  
 his

1638, his lordship to gratify their desire, they demonstrated to him the evils which were likely to follow from his majesty's want of just information, and full knowledge of the true state of matters here, and that a written information, however exact, was not capable of replying; nor could it anticipate answers to such doubts as his majesty might propone.

Ibid. p.  
203,  
150.

but he  
would  
not.

But by no intreaty would he be prevailed with to look upon their information, and pretended, that he was to purge himself, by oath, to the king, that he had seen no such thing, yet he consented that lord *Orbiston*, whom he took with him to hold the marquis of *Hamilton* fast to his interest, should carry it in his company, and assured them, that it should come to his majesty's hand.

Acci-  
dents  
which  
befel  
him.

As his lordship travelled to court, he had almost perished in a water, and was saved from drowning by a hold of his horse's tail; and, about the same time, his lady's life was in the utmost danger; for, having dismissed their porter for his bad service, the ruffian came upon her with a drawn sword, as she was walking in her garden at *Dalkeith*, and, had it not been for the seasonable interposition of two of her servants (who were wounded in rescuing her) she had certainly been murdered; and which was almost as difficult to encounter as both these accidents, when *Traquair* came to court, the king did pose him upon a great many articles, furnished by the president, by way of complaint, against him; yet he rode out that storm also, he satisfied the king with his reasonable answers, and gave a very ample relation of the state of matters in *Scotland*, which having been  
in



in many particulars new, his majesty was much displeased that he had not been informed sooner. *Traquair* represented, that though the *Scots* council had been discharged from intermeddling in the business publicly, yet they had always acquainted the earl of *Stirling*, the secretary, therewith privately, to the end he might communicate the same to his majesty. This the secretary granted, but alledged, that having shewed them to *Canterbury*, his grace had prevented his presenting several papers to the king. *Canterbury* denied this, hoping to bring him off another way which he forgot, and so the secretary behoved to stand alone in that flour.

The King dissatisfied with the secretary.

Unhappily for the supplicants, whilst the king's mind seemed to be somewhat mollified, the archbishop of *St. Andrews* added new fuel to the flame, by a letter to his majesty, in which he gives his opinion, that, as the noblemen, who entered into a bond to cut off *David Rizzio*, did disband and flee away whenever the queen, his grand mother, had caused proclaim them traitors; so if his majesty would condemn the present proceedings of the nobles, and discharge them thereafter under the like pains, their combinations would evanish, and he would gain his design with very little trouble.

The chancellor an incendiary betwixt the king and his subjects. Ibid. p. 154, and *Crawford*, book 3. sect. 1.

The comparison here was very inept, and the miscarriage of the like practise, upon a very late occasion, no further back than the 17th of *October*, might have served as a monitor against the complying with this advice: But, *quos Jupiter vult perdere, prius dementat*, the advice took, the king commanded the treasurer

The king falls in with the chancellor's advice, and commands the treasurer to execute it. *Baillie*, p. 155.

peremptorily

1638. *W* peremptorily to execute it, and took an oath of him for his fidelity and secrecy. This course his lordship was averse to, and gave his opinion against it in very strong terms; yet finding his majesty was resolute, he undertook the disagreeable task.

An order  
for the  
sitting of  
the ses-  
sion.

Ibid.

About the 10th of *February*, an express came down to *Scotland*, with a peremptory command to the members of the college of justice, to attend at *Stirling*, for the discharge of their several offices. This command was accordingly proclaimed by sound of trumpet, and obeyed by the senators; but the advocates, and writers of any note, went not thither. They knew that was only a feint, and they would have no share in it.

*Traquair*  
comes  
from  
court.  
Ibid.  
p. 153.

and dis-  
sembles  
with the  
petition-  
ers,

With this express, news were likewise brought, that the lord treasurer was to be in *Scotland* against the middle of that month, and many of the supplicants resorted to *Edinburgh*, in hopes of a gracious answer from his majesty: Upon *Traquair's* arrival, a few of the nobles were sent to enquire at his lordship what they might expect, and were answered, with oaths and great asseverations, that he had no directions from the king concerning their supplications, but the petitioners had received contrary accounts from court, and, soon after, they procured a double of his majesty's injunctions to the treasurer, for making the proclamation, which we shall shortly notice.

who fill  
out his  
design.

Upon this, four or five of the supplicants were again sent to wait upon *Traquair*, to know the truth of the report; but he kept all close, and refused to make known to them what he was commanded to deliver to the council, only

ly he alledged the necessity of prohibiting such 1638.  
numerous convocations of the lieges as had  
lately met at *Edinburgh*, &c. and that their con-  
tinuing to assemble thus frequently, would ob-  
lige the council to inhibit them.

It was answered, that the discharging their remon-  
meetings would be the ready way to bind all strate a-  
the evils upon them under which they were gainst  
groaning, and against which they had so loud- the same,  
ly complained; that, in these meetings, they Ibid.  
never had the remotest view of assuming to p. 205.  
themselves any juridical power, but only to  
advise and consult together how to prevent  
the evils complained of; and, as their end  
was lawful, they had conducted themselves  
with all possible discretion; they had never, at  
these meetings, fallen into any disorder, and it  
was their joint endeavour to concur in sup-  
pressing every rude motion, and cherish the  
best and humblest measures could be devised  
for obtaining redress of their grievances, which  
ends could never be so effectually obtained if  
each shire should petition apart, and far less if  
the supplicants should stay at home and do  
nothing.

These deputies finding how matters were and  
like to go, returned to the other supplicants; name  
when it was resolved to send four or five of deputies  
their number to *Stirling*, to wait upon the se- to wait  
cret council, who were to meet there the 20th upon the  
of *February*, and to give in an information to council.  
them against the proclamation, which they un-  
derstood was to be made at that time and  
place.

The lords treasurer and privy-seal hearing The  
that some were to be directed to *Stirling*, sent treasurer  
for dissuades  
them a-  
gainst  
this.  
Ibid.  
for p. 207.



1637. for three or four of the supplicants, and, with all their might, dissuaded them from the resolution which they had taken; but the supplicants resuming the heads of their information above mentioned, did thereby shew the necessity laid upon them to do what they could for preventing the unhappy effects of the proclamation; and, returning to their brethren, it was farther resolved to use a declinature in that meeting of council, lest the bishops, their parties should sit in council, and bear a part in the judgment which should be given in that affair.

But they resolved to use a declinature.

Persuades them to send only two deputies. Ibid. p. 153.

and resolves to imprison them, Ibid. p. 208. which determines the petitioners to go in a body,

and acquaint the treasurer with their design.

When these courtiers found their persuasives contributed, rather to the rousing of the petitioners zeal and courage than abating their circumspection, they did persuade the nobility to send only two of their number to *Stirling*, in name of the whole, and assured them, that no harm should be done to their cause; accordingly the supplicants named the earl of *Rothes* and the lord *Lindsey* to manage their cause upon that occasion; but it was found, saith our author, that *Traquair* intended to keep these two prisoners in the castle of *Stirling*. This was at least given out by some of the bishops accomplices, upon *Sabbath* the 18th of *February*, which determined the supplicants not to trust to so small a number, but to go thither in a body, both for mutual defence, should any of them be attacked, and because it might be expected that the council could be more exactly informed by many than by a few.

And, having thus far receded from their former resolution, they thought proper, for preventing mistakes, to send four of their number

number to excuse their different resolution, 1638. which brought on a new conference betwixt the lord treasurer and the deputies.

The treasurer alledged, that, if the supplicants had followed the advice which was given them, to supplicate apart, and to confine their complaints to the books of common-prayer and canons, and the high-commission court, it had succeeded better with them, and that, having once proven these, it was then soon enough to petition for redress of their other grievances; but, as they insisted upon all their complaints at once, and would be satisfied with nothing less than the reducing of the bishops, they could not expect that his majesty would suffer one of his estates to be brought under their subjection.

The  
treasur-  
er's ob-  
jections,  
Ibid.  
p. 268.

To this the deputies answered, That, if the matter had concerned their own particular affair, they could have engaged their lives, honours and fortunes for the success of the advice, but, as the business in hand was no less than religion and policy, and the party concerned almost the whole kingdom, secrecy would not do, they behoved to have recourse to their prince, that he might, by his authority, provide redress in due course of law, which had been common and ordinary in the like, and even in less, momentuous cases: And though, upon a supposition their complaints had been confined to the particulars noticed by his lordship, and had been redressed, yet if, after supplicating against the bishops, to whom the other evils were owing, and a root naturally productive of such fruits, his majesty should refuse them a hearing, the subjects

Their  
answers.

1638. would suffer by their relying upon this unpledged trust, and the whole envy be retorted by the bishops upon the supplicants.

The  
confe-  
rence  
continu-  
ed.

The lord treasurer finding the supplicants were to stick, by their taling, asked them, What course they would take next? whereunto they answered, very ingeniously, that they would give in a declinature against the bishops: But, said *Traquair*, it will be refused. Then, said the deputies, they would, upon the council's denial of justice, protest for remeid, and have immediate recourse to his majesty with their supplications; and *Traquair* adding, that he doubted if his majesty would accept the same, the deputies answered, they would do their duty, and commit the event to God, who is wise in counsel, and excellent in working, and sufficiently able to protect his own cause, and their just proceedings.

The  
suppli-  
cants  
send  
some of  
their  
number  
before,  
Ibid.  
p. 210.

Whereupon the deputies left the lord treasurer, and communicated the substance of their conversation to the other supplicants, who, knowing it was *Traquair's* manner to embrace every opportunity which might conduce to his own ends, and that the meeting of council was to be upon the *Tuesday* following, they appointed four or five of their number to set out timely upon the *Monday*, and resolved, that the rest should follow at their leisure.

but the  
treasurer  
and pri-  
vy-seal  
took the  
start of  
them.

To prevent this (for both sides were so much on the look-out, that little could be done by the one without the knowledge of the other) *Traquair* and *Roxburgh* set out from *Edinburgh* upon *Monday* morning, a little after midnight, with a design to make the proclamation



mation before the supplicants could get up; 1638. accordingly they reached *Stirling* by 8 o'clock, and, after waiting about two hours in vain for the upcoming of a quorum of the council to ratify that proclamation, they anticipated the authority of council, and caused make a proclamation by 10 o'clock, to the following effect.

and caused the king's will be proclaimed.

" That the bishops were unjustly accused as  
 " being authors of the service-book and canons,  
 " seeing whatever was done by them in that  
 " matter was by his majesty's authority and  
 " orders; besides, that he had diligently examined these books, and, after the most accurate perusal, had found nothing in them that  
 " could be prejudicial to the ancient laws, or  
 " the religion received in *Scotland*, but, on the  
 " contrary, was persuaded, that they were very  
 " well calculated for promoting solid piety,  
 " and preventing the growth of popery, his  
 " abhorrence of which was sufficiently evidenced by his daily proceedings; that he  
 " condemned all the meetings of his subjects that had been hitherto kept for exhibiting any petitions against these innocent  
 " books, and the bishops the promoters of  
 " them; as also, all subscriptions by any of  
 " his subjects of whatever rank for that end,  
 " as manifest conspiracies for disturbing the  
 " publick peace, so frequently discharged by  
 " the laws of the kingdom; yet that, for what  
 " was already past, he indemnified those who  
 " should afterwards religiously abstain from the  
 " like practices, and discharged all such meetings in time coming, under the pain of rebellion;

The substance of that proclamation, Ibid. p. 161.

1638. " bellion ; as also, that none should go to any  
 " borough where the privy-council were sit-  
 " ting without their warrant for that effect, with  
 " a special charge to magistrates of boroughs  
 " to observe this order, and that all who did  
 " not reside in council, or were members of  
 " the privy-council or session, should remove  
 " from *Stirling*, within six hours thereafter, un-  
 " der the pain of treason ; and as concerning pe-  
 " titions which should thereafter be offered  
 " upon that, or any other subject, his majesty  
 " declared, he would not shut his ears against  
 " them, providing that neither the matter nor  
 " form were prejudicial to his royal authori-  
 " ty," as the reader may see at more length  
 in the proclamation itself, a copy whereof is  
 inserted in *Rushworth's Collections*, vol. ii. p. 731.  
 and therefore unnecessary to be here repeated  
 at more length.

Remarks  
 upon it.

But this medicine did rather increase than  
 cure the disease : 1. It waved the subject of  
 the supplications which had been presented,  
 and this convinced the petitioners that the  
 king was not disposed to discharge either the  
 liturgy or canons. 2. It represented their  
 meeting for consultation and supplicating, with-  
 out his liberty, as crimes of a hainous nature,  
 and by it the king taught them, that obedi-  
 ence to his commands was their only course.  
 And, 3. the discharging all such convocations,  
 in time coming, under pain of treason, was dis-  
 uniting them, and of consequence frustrating  
 them of any prospect of relief ; for though  
 the king declared he would not shut his ears  
 against their separate petitions, yet, where  
 these petitions impugned the state of bishops  
 and

and the hierarchy, it was easy to foresee that his majesty would reckon himself at liberty to reject these, as prejudicial to his royal authority. 1638.

The king having thus openly declared his mind, the supplicants were resolved not to be wanting in their own exoneration, and providence wrought their access to this in a way unexpected: When *Traquair* and *Roxburgh* set out so early from *Edinburgh* the day before, one of their servants happened to stop a little, and take his morning-drink at a house where a servant of lord *Lindsey's* lodged, and, not being so good a secretary as the case required, he blabbed out, that his master was already upon horseback for *Stirling*. This intelligence was quickly carried to lord *Lindsey's* ears, and he awaked several of the other nobility, who prepared for the journey as speedily as they could conveniently; but fearing *Traquair* and *Roxburgh* should take the advantage of them before they got to *Stirling*, it was thought proper, that the lord *Lindsey* and the earl of *Home* should go before; so these two took post, and outrode the treasurer; and no sooner did the lyon-herald mount the cross to make proclamation, but *Home* and *Lindsey* were ready with a publick nottary, and after they had, with all humble reverence, heard the proclamation read, they used a protest against the same, to the following purpose.

The petitioner's diligence,

- " 1. That the seeds of superstition and idolatry are contained in these books.  
" 2. Though there were nothing such in them, yet are they full of novelties which

and protestation against the proclamation, Hist. mot.

" cannot



1638. " cannot be admitted, unless with the viola-  
 " tion of their liberty, laws, and received re-  
 " ligion, especially when they are obtruded  
 " against their will, without any previous  
 " judgment of the national synod, who has  
 " always had the supreme power of judging  
 " in ecclesiastical matters of that kind.

" 3. That it is unjust to deny liberty to ac-  
 " cuse the bishops, whom they are able to  
 " prove guilty of many crimes: How much  
 " does it concern both church and state, that  
 " the wickedness of men, who are placed in a  
 " more eminent station, should not be let go  
 " unpunished?

" 4. They protest against the use of the  
 " high-commission, in regard it is a court sup-  
 " ported by no foundation in justice, consti-  
 " tuted by no municipal law, obtruded upon  
 " the *Scots*, from the practice of the *English*,  
 " contrary to the fundamental laws of the  
 " kingdom, nor do they see any other use of  
 " it than to establish the tyranny of bishops;  
 " in short, that it is nothing else but a branch  
 " of the *Spanish* inquisition.

" 5. That they reject the bishops as unjust  
 " judges, and cannot admit their judgment  
 " till their innocence shall be made appear  
 " in a competent court.

" 6. That all their meetings, and their pe-  
 " titions to the council, are designed for no  
 " other end, but to defend the purity of di-  
 " vine worship hitherto received, against the  
 " obtrusion of innovations, and the liberty of  
 " the church, against the tyranny of the bi-  
 " shops; and that they have determined, for  
 " prosecuting those sacred purposes, to attend  
 " sober

“ sober meetings of that kind, nor can they, 1638.  
 “ with a good conscience, desist from them,  
 “ unless they would be esteemed betrayers of  
 “ the glory of God, the honour of the king,  
 “ and the liberty Both of church and state.”

Which protest was publickly read, immediately after the publishing of the above proclamation, and a copy thereof affixed upon the cross beside it.

The rest of the supplicants came up that afternoon from *Edinburgh*, and the country around *Stirling*, in great numbers, and understanding what was done, they sent some of their number to the lords treasurer and privy-seal, requesting a copy of the proclamation, that they might advise with the same, but were denied a sight thereof, till it should be published in other places, and were urged to give obedience to the will of the proclamation. The deputies supposed their protest did take off the force of the proclamation, and for no request would they remove from the place, alledging, That their stay was necessary, to oppose the approbation of the proclamation in council, which it yet wanted: And being asked what kind of opposition they would make, they answered, They would give in a declinature against the bishops; and, if that were refused, they would protest for immediate recourse to his majesty, as they had told them at *Edinburgh*.

But after a while's altercation, the courtiers urged the removal of the supplicants from the place, otherways they would break up the council, and be gone; and the others insisting they might be allowed to stay, it was promised

The supplicants met in great numbers, Ibid. p. 210.

but remove on conditions. Ibid. p. 155, 210.

1638. promised, on the part of the council, that, if the supplicants would remove from the town, they would do no more in that business; whereupon the lords, and other leaders among the supplicants, dealt with the rest, and, with great difficulty, they prevailed with them to remove towards *Edinburgh*, after commissionating Sir *William Murray* of *Polmais*, in the neighbourhood of *Stirling*, and *Arthur Erskine* of *Scotsraig*, to attend the motions of the council.

The  
conditi-  
on quick-  
ly bro-  
ken.  
Ibid.  
p. 154,  
212.

The supplicants were scarce well removed, when the council met in the castle, and entered upon the proclamation, whereupon the two deputies, before named, perceiving several of the bishops present, gave in a declination of their judgment, which the council having refused, the deputies took instruments upon that refusal, in the hands of Mr. *David Forester* nottary-publick; and being upbraided for bringing in common nottaries before the council, they offered to take instruments in the hands of the clerk of council likewise, but he refused it. Nevertheless, the council did, by a great majority, approve the proclamation, which greatly surprised the petitioners.

This being the case, the deputies did, next morning, wait upon the councillors with the information before mentioned, whereof the following is a just double.

Infor-  
mation  
detecting  
the pro-  
clamati-  
on,  
Ibid.  
p. 205.

" 1. That the supplicants had been, from  
" time to time, put in hope of a gracious an-  
" swer, especially by the act of council in  
" *August* last, declaring, That the buying of the  
" service-book, and not the using of it, was  
" only intended, and by his majesty's decla-  
ration



"ration in *December* last; but, by this pro- 1628.  
 "clamation, their former hopes would be  
 "turned into fears.

"2. That the proclaiming of a dispensa-  
 "tion to the supplicants for that which they  
 "were assured they were doing in duty both  
 "to GOD and his majesty, would either make  
 "his mercy disregarded, or force them to con-  
 "demn their own doings, so justifiable before  
 "GOD and the world.

"3. That the prohibiting of such like peace-  
 "able proceedings, under the pain of treason;  
 "would make the supplicants either incur  
 "the imputation of treason, or else be cast  
 "all into the hands of their adversaries, and  
 "cast themselves loose of religion, liberty,  
 "and peace, against the duty which they owe  
 "to GOD, the church and the country.

"4. That, contrary to the king's maje-  
 "sty's declaration in *December* last, this pro-  
 "clamation transferred the guilt of these in-  
 "novations from the prelates upon the king's  
 "majesty, not that he can be judged the  
 "author thereof, but that they may escape  
 "censure, whereby it is hard to say whether  
 "his majesty be more dishonoured or justly  
 "frustrated, or his majesty's good subjects  
 "disappointed.

"5. That the supplicants tremble, that after  
 "so many supplications and declarations, bear-  
 "ing the manifold seeds of heresy, superstiti-  
 "tion, and idolatry, to be contained in the  
 "service-book, it should be declared, by  
 "proclamation, to be the form of GOD's  
 "publick worship, and the mean of main-  
 "taining true religion, and holding out of

1638. "superstition, which must make the subjects  
 "either receive that which their conscience  
 "does condemn, or directly oppose them-  
 "selves against his majesty's proclamation.  
 "6. Seeing many worthy councillors have  
 "regreted the passing of the first act in fa-  
 "vours of the service-book, and have made  
 "many excuses for the same, the supplicants  
 "are confident, that they, having a new oc-  
 "casion of more mature deliberation, would  
 "rather give counsel to his majesty, to chuse  
 "a course that may give satisfaction to the  
 "desire of his good people, than, by confir-  
 "ming so summary a conclusion, grieve ma-  
 "ny, wound their own hearts, and work far-  
 "ther disturbance in the church and coun-  
 "try."

The  
 good ef-  
 fects of  
 it.  
 Ibid.  
 p. 154.

Which information had a very good effect :  
 The earl of *Angus*, and the lord *Napier*, two of  
 the councillors who had concurred in the ap-  
 probation of that proclamation, professed to  
 be sorry for their rashness ; Sir *Thomas Hope*;  
 the lord advocate, who was absent at the ma-  
 king that act, but had now come up, refused  
 to subscribe it, for this reason (though a thin  
 one) that the king's direction was transgres-  
 sed, because the warrant for that proclamati-  
 on did bear only the highest pains, whereas  
 the proclamation did bear the pain of trea-  
 son ; and, which was less expected, the lord  
*Down* (though but newly admitted a coun-  
 cillor, and supposed firm to the bishops inte-  
 rest) did subscribe the complaint against the  
 bishops, to the great dissatisfaction of his fa-  
 ther, the earl of *Murray*.

And

And, as a farther mortification to the bishops, *Sydeserf* of *Galloway* was so hotly engaged by the populace at *Stirling*, that the magistrates found it difficult to relieve him: In his return through *Falkirk*, the wives railed upon, and bickered him with stones, for which some of them were punished; and on his arrival at *Dalkeith*, he met with the like hard usage, and two of these mobbers were likewise imprisoned, so that the poor bishop was glad to become a kind of recluse, and shewed little of his old desire of martyrdom in this so good a cause.

1638.

Bishop  
*Sydeserf*  
insulted.  
Ibid.

P. 155.

Yet, notwithstanding the remorse of some of the councillors for their concurrence with the said proclamation, and its disagreeableness to the inclinations of almost the whole nation, it was published by sound of trumpet over the cross of *Linlithgow*, where also the protest taken against it at *Stirling*, was renewed; and when, upon the 22d of *February*, that proclamation was published over the cross of *Edinburgh*, sixteen of the nobles, with many barons, gentlemen, ministers and burgesses did, after hearing the same with great reverence, cause Mr. *Archibald Johnston*, advocate, read a protest against it, which being already in print, we shall rest with the substance thereof. In it they protested,

Ibid. p.  
164, and  
*Rushw.*  
collect.  
vol. ii.  
p. 732.

“ 1. That they might have immediate  
“ recourse to the king, to present their grievances, and, in a legal way, to prosecute  
“ the same before the ordinary competent  
“ judges.

“ 2. That the archbishops and bishops could  
“ not be reputed or esteemed lawful judges.

“ till



1638. "till they had purged themselves of such  
 "crimes as were laid to their charge.

"3. That no proclamation, nor any act  
 "of council, past in presence of the archbi-  
 "shops and bishops, could anyways be pre-  
 "judicial to the supplicants.

"4. That neither they, nor any that had  
 "joined, or should join with them against in-  
 "novations, should incur any danger in life,  
 "lands, or any political or ecclesiastical pains,  
 "for not observing such acts, books, canons,  
 "rites, judicatures, or proclamations intro-  
 "duced without or against the acts of gene-  
 "ral assembly, or parliament, and the statutes  
 "of the kingdom.

"5. That, if any inconveniencies should  
 "fall out thereupon, they could not be im-  
 "puted to them, since the council refused  
 "to hear their just remonstrances.

"6. That their requests tended to no other  
 "end but the preservation of the true reform-  
 "ed religion, and the laws and liberties of his  
 "majesty's kingdom."

Observa-  
 tion up-  
 on this  
 protest.

By this protestation, the supplicants did con-  
 vince the king and his council in earnest, that  
 they were too powerful, and had more right  
 on their side than to be compelled by arbitra-  
 ry proclamations, and orders of council; and  
 as they were persuaded the king intended to  
 surprise them, the more they were persuaded  
 of the necessity of union amongst themselves,  
 and therefore they resolved to renew the na-  
 tional covenant; the manner of which shall  
 be referred to the next chapter.

CHAP.

CHAP. II.

Containing the history of what happened in Scotland, from the renovation of the national covenant, in March 1638, to the sitting of the general assembly at Glasgow, in November that year.

THE proclamation at *Stirling*, and especially the under-hand way of publishing it, proved a kind of crisis. If the king and his councillors were so credulous as to imagine that it could satisfy the malcontents (as Mr. *Rapin* calls our reformers) they were very quickly undeceived. No sooner were the contents known abroad, but the country was all aghast. This being the case, the nobles and deputies for the gentry, ministers, and boroughs, who had come to *Edinburgh*, drew up an advertisement, and sent it through all the kingdom, desiring their associates, the friends of religion and liberty, to come quickly to *Edinburgh*, in order to deliberate on such things as might contribute for the common safety.

While those advertisements were in dispersing, the *Tables* at *Edinburgh* were not idle. On *Friday*, the 23d of *February*, they traced back the suggestion which had been made to several of them, of dividing their supplications, and confining them to the *service-book*, the book of *cantons*, and the *high-commission court*. This made all consider the particular condition, and former proceedings of the principal statesmen, who had given

1638.  
A general convention of the reformers.  
*Baillie*,  
p. 159.

The occasions of their disappointment enquired into.  
*Ibid.* p. 112.

1638. given that advice; and they were convinced, that though the lords treasurer and privy-seal had, by the greatness of their estates and honours, and their approved understandings, raised the expectation of all needful care, and faithful diligence, yet the preservation of their places, and credit with the king, the influence which the bishops, their yoke-fellows in the state, had upon them, the watching by others over their ways, and informing of every thing not conducive to their end, and solicitations from other statesmen in favours of the bishops, had prevented their informing and acting in that matter with so much care and faithfulness as became their place, interest and knowledge; that, by a smooth representation of matters, they had, at best, laboured rather to quench the pain than cure the disease; and occasioned a diversion from the root of the evils complained of, to the pruning of the branches, at least, the whole of their proceedings tended this way; and therefore, the supplicants found it unsafe to trust them farther, and that it behoved them to essay other methods, as God should clear their way.

The renovation of the national covenant resolved on. Ibid. p. 156. Hist. mot p. 43. and a short relation, &c.

Accordingly, the country coming to town in crouds, and the several tables being assembled, the nobles, with Messrs. *Henderson* and *Dickson*, whom they called to their assistance, resolved to renew the old covenant for religion, which was sworn by *K. James* and his privy-council, *anno* 1580. and by persons of all ranks in the years 1581. 1590. and 1596. and the design being communicated to the other tables, a committee was named to prepare the draught of it. On the *Sabbath* following, the whole



whole strain of the ministers discourses was calculated for convincing the hearers, that the breach of that covenant had been a special cause of all the evils which were brought upon them; that the renovation of the same was a good mean for obtaining the LORD's special favour; and that, for this, they had many precedents in holy writ; and, to speak in the language of the general assembly, *anno 1640*. *The remembrance of their breach of covenant did sting, wound, and pierce through their consciences; wherefore, being moved with serious repentance, they resolved to renew their covenant, or national confession.*

1638.

Letter to the church of Hævetia.

The occasion of the first swearing of that covenant, and the form of it, have been formerly related; and, as the renovation of the same was the present design, they first inserted a copy of it *verbatim*. Next, for satisfying the world, that, though in this step they proceeded without their sovereign going before them, yet, to shew that they wanted not the authority of law upon their side, they inserted a great many acts of parliament, which justify and allow the several things sworn to: And then, instead of the general bond which was subjoined to that covenant in the year 1590, they subjoined a new bond, accommodating the same to their circumstances in the year 1638. which being printed with the confession of faith, in the hands of every body, it were unnecessary to repeat the same here.

The parts of that covenant as renewed in the year 1638. Intro. p 150, 204. Baillie, p. 157, 169, 171.

On this last part, our author says, many had difficulties, and mentions the earl of *Cassilis*, with Mr. *George Young* and himself, as of this number; but, after long reasoning, and some yielding

Some proposed difficulties with the bond.

1638. yielding on both sides, all present, upon that occasion, agreed to the covenant, as it now stands, except three or four brethren from the synod of Angus.

Such as condemning *Perth* articles, &c. Several acknowledged, that they could not condemn *Perth* articles, and the other innovations complained of, as positively unlawful. But as the covenant was designed for corroborating their union, the general meetings, who never pretended to act in a judicative capacity, would not expressly condemn these innovations as contrary to the covenant, but refer the same to the determination of a free and lawful general assembly, which was expected soon.

Swearing to presbyterial church government. One clause of that covenant did trouble some, viz. their swearing to *continue in the doctrine and discipline of this church all the days of their life*. Here they were afraid, that they were tied to that particular form of discipline, which was in use at the first swearing of that oath in *Scotland*. But they satisfied themselves with believing, that, because our church declared in the larger confession, that they do not think any policy and order in ceremonies so immoveable, but several particulars may be changed therein, that the form of church-government, which took place in the former period of episcopacy might be so too; and for their further satisfaction, the framers of the bond declared, that, by *discipline* there, they meant only the substantial grounds of it, which clearly are set down in scripture, and not the circumstantial parts, which necessary reasons will force us off to change.

Ibid. p. 170.

Several

Several had sworn to conformity, and 1638. knew not how to dispense with their oath. That tye, saith our author, was loosed to him by the singular favour of that courteous man, (as he calls bishop *Law of Glasgow*) who was pleased, in the matter of conformity, to re- mit him to his own discretion \*; yet, for satisf- ying those who became bound to conform, it was said, that in oaths the subject and matter would be distinguished; what we swear to be- lieve is inviolable, for *credenda* are not change- able; but what we swear to do, may, with the safety of our oath, be oft omitted, for *faci- enda* are either in things necessary or indiffe- rent: Things necessary, even GOD's com- mands, *non obligant ad semper*; but in matters indifferent, though sworn, the nature of the thing pleads some more liberty, It could not be the mind of any bishop, in the taking of the oath of conformity, to astrict their incum- bents to practise the thing sworn, on all occa- sions, without exception; such rigour was ne- ver known at *Rome* itself; for there, in mat- ters of ceremony, they have liberty often, *ex- tra casum contemptus et scandalum*, to do or ab- stain as they find expedient: Now, if at any time conformity may be abstained from, it was said that was the time; and that, if ever it were scandalous to conform, it behoved to be so then; for not only was scandal taken, but the conformity of ministers helped to draw their people nearer to the innovations complained of, and by them to popery, which stood at their back: And how much is to be done, or left undone, in the case of scandal, we may see in the practice of the apostle *Paul*,  
O o who,

Throw-  
ing up  
with  
their for-  
mer  
oaths.

\* N. B. Our Author had not sworn the Oath of Conformity.



1638. who, even before the council of *Jerusalem*, would not circumcise *Titus*, and yet after the council he would circumcise *Timothy*. And the apostolick injunction, to abstain from things strangled, was not opposite to the later acts of the church, of eating freely things strangled; the danger of scandal present in the apostles days, but absent in after times, did so change the case, that both the injunctions did agree without any repugnancy.

Swearing  
to defend  
them-  
selves a-  
gainst  
the king  
by force.

Some others, of which number were the earl of *Cassilis*, and our author, who had both studied under doctor *Cameron*, a great stickler for absolute government in the university of *Glasgow*, could not yield to some clauses in the first draught of the covenant, which seemed to import a defence in arms against the king. But with the covenant, as it now stands, they were satisfied from the following considerations; 1. That all subscribers do most solemnly renounce all disloyal Intentions, and all desire to attempt any thing that might anyways tend to the diminution of the king's authority. 2. That all subscribers make the maintaining of the king's person, estate and authority, to be one of the principal causes of their oath. 3. That the oath contains a detestation of all rebellion and combination against the king; and profession of our unfeigned desire to maintain the king's majesty, and peace of the kingdom, no less than religion. 4. That all subscribers swear to be examples of godliness, righteousness, and of every duty they owe to God or man. 5. The religion that here is sworn to is expressed according to the tenor of the larger confession, approved by

Ibid. p.  
214.

by all our parliaments since our reformation. 1638.  
 Now, the 25th article of that confession concerns the magistrate, and affirms, that all who would take away, or trouble the state of our civil policy, now established, to be no less than enemies of mankind, and fighters against the manifest word of GOD; that all who are in authority are to be loved, honoured, feared, and held in the highest estimation, because they are GOD's vicegerents; GOD sits in their thrones; and to princes GOD himself has given the sword; and that all who resist authority resist the ordinance of GOD, and so cannot be innocent before GOD.

But, said some others, this bond limits the maintenance of the king's authority to the defence of the true religion, the liberties and laws of the kingdom, and it obliges the swearers to assist one another in the maintaining of religion against all persons whatsoever, the king not excepted.

Limiting their subjection, and extending the security of each other.

To the first our author himself answers, That the professing to maintain the king's authority, in the preservation of religion and laws, did not hinder them to maintain his authority in sundry other cases. We swear, says he, to maintain him in that case, *ergo*, we are bound to maintain him in no other case; it is an evident *non sequitur*. In two places of the writ we promise to maintain the king's authority in that case, but in many places we swear and avow the maintenance of the king's authority without limitation; therefore, by this covenant we are bound not only to maintain the prince in that case, but in all cases which scripture, reason, the laws and customs of

The first part of this objection answered.

1638. of our kingdom can require, and more the heart of any royalist doth not require. Farther, if the expression of this particular case, or this limitation, as they call it, deter them from the subscribing of the application or addition to the old covenant, with what reason do they assent to our large confession of faith, which all our parliaments, for seventy eight years, have obliged us to subscribe, or to the shorter confession wherewith this covenant begins, which king *James* and his council obliged all ranks to subscribe? for that limitation, which they make the ground of their scruple, is expressly set down in both these writs, and yet never deterred any man from swearing and subscribing them. For the large confession, see the 25th article in the end, where the help we are to give to the prince is limited, as they would speak to the case of his faithful administration of his office; and, if they look to the shorter confession, near the end, the limitation they complain of is there set down word by word; so that these clauses can no more be conceived as restrictions of the king's authority in the one case than in the other.

The second part  
of the  
objection  
answered.

As for the other objection, of the mutual defence against all persons whatsoever, they would consider that themselves are willing to swear, to the old confession, the clause to defend their religion, according to their power, all the days of their life, under the pain to lose body and soul in the day of judgment. Also, that they are willing to maintain the acts of parliament which king *Charles* himself has ratified, viz. Act 47th, of the third parliament of king *James*, which ordains all faithful subjects to promise



promise to maintain, to the uttermost of their 1638.  
power, all the preachers and professors of  
Christ's evangel, against all gainstanders what-  
soever. Now, this mutual defence, com-  
manded in our standing laws, is more absolute  
than the defence here objected; for in this  
there are two limitations put in of purpose to  
prevent mistaking; one, that the defence we  
promise to the true professors is not only in  
the case of maintaining true religion, but also  
of his majesty's authority, which is made as  
ample by this writ as can in any reason be de-  
sired, or either our religion or laws can ad-  
mit.

Several other difficulties were started, the  
repetition of which might afford entertain-  
ment, but, as they are contained in other pa-  
pers which fall afterwards to be inserted *ver-*  
*batim*, we defer them for the time.

The national covenant being agreed on with  
so great harmony, amidst a world of difficul-  
ties, gave vast joy to all concerned; so, upon  
the first day of *March*, a solemn fast being ap-  
pointed in the *Gray-friers church* at *Edinburgh*,  
the covenant was subscribed by several thou-  
sands, consisting of all the nobles who were  
then in *Scotland* (except the lords of privy-  
council, and four or five others) commissio-  
ners from all the shires within *Scotland*, and  
from every burgh, except *Aberdeen*, *St. An-*  
*drews*, and *Craig*, and of other gentlemen and  
ministers, whose zeal had brought them up to  
assist or concur with their commissioners up-  
on that occasion; and so very well pleased  
were the covenanters with this their solemn  
deed, that many copies of the covenant were  
subscribed

The co-  
venant  
renewed  
at *Edin-*  
*burgh*,  
*Ibid.*  
p. 196,  
220.

1638. subscribed by them \*, and laid up among their archives, where some of them yet remain.

and sent thro' the kingdom for concurrence, Ibid.

p. 196.

Their next endeavour was to have that covenant renewed through the several parts of the

\* By two original copies of that covenant, which belonged to Mr. James Hart, sometime one of the ministers of *Edinburgh*, now in the custody of his brother Mr. Walter Hart minister at *Bunkle*, I learn, that, amongst the subscribers on that occasion, there were these following, viz.

### N O B L E S.

|             |          |           |            |
|-------------|----------|-----------|------------|
| Roths,      | Weyms,   | Burleigh, | Cranfoun,  |
| Montrose,   | Home,    | Lowdown,  | Boyd,      |
| Cassilis,   | Lindsey, | Melvil,   | Sinclair,  |
| Sutherland, | Lothian, | Johnston, | Balmetino, |
| Eglinton,   | Zester,  | Forester, | Cowpar.    |

### B A R O N S.

Elche, J. Sutherland, J. Sinclair, Arthur Erskine of Scotsraig, Home of Wedderburn, William Home of Ayton, J. Campbell of Larber, Lammington, Bishopton, Keir, Blair, Fulwood, Rowallan, W. Riddel, Sir D. Cunningham, J. Garthland, W. Ricarton, Killmahew, W. Murray, Lag, Craigdarroch, Cunninghamhead, Sir W. Moncrieff, Kelburn, J. Greenock, Cha. Buntein, W. Hay, J. Campbell, Wm. Graham of Killerny, J. Rollock of Duncrab, Murray of Auchadoun, Thomas Inglis of Frathrum, Mr. Hew Pollock advocate, Thomas Buchanan, &c. &c. &c.

### M I N I S T E R S.

Mr. Robert Murray at Methven, Mr. Alexander Scrimzeour at Kinghorn, Mr. Robert Douglas at Kirkcaldie, Mr. George Gillespie at Weyms, Mr. Samuel Cunningham at Partincraig, Mr. David Dickson at Irvine, Mr. Alexander Henderson at Leuchars, Mr. William Arthur at Westkirk, Mr. James Porteous at Cessford, Mr. Laurence Skinner at Mr. Daniel Bennet at Auchtermuchty, Mr. Andrew Ramsay at Edinburgh, Mr. Henry Rollock at Edinburgh.

### B U R G E S S E S.

William Paterfon, Thomas Durhame, David Kay, John Kay, John Buchanan, James Cochran, Robert Barclay, James Glen, Alexander Wedderburn, Andrew Paterfon, Thomas Hay, William Meldrum, Wm. Lindsay, James Meldrum, Wm. Furfel, James Adam, Henry Paterfon, Walter Ramsay, Stephen Duncan, Joseph Stark, &c. &c. &c.

Besides these, and a good many others whose names are worn out, there are near sixty burgesses and others, who subscribe by James Trotter, writer of one of the said copies, and Mr. William Thrist, co-notaries.

the kingdom : For this purpose copies there- 1638.  
of were, with all diligence, made out, and sent  
by the deputies to their several presbyteries,  
with directions concerning the renovation of  
the same in every parish, and a paper for pa-  
ving the way to it, intituled, *The lawfulness of the*  
*subscription to the confession of faith* 1638. which,  
because of its length, shall be referred to the  
appendix.

Appen.  
No. V.

At the same time, in regard no commissio-  
ners came from the burgh of *Aberdeen*, ow-  
ing, as they pretended, to the paper sent  
them not being subscribed, another advertise-  
ment, or rather invitation to them to concur  
in the covenant, was, upon the 6th of *March*,  
subscribed and sent to them by their coun-  
trymen the lairds of *Dun, Morphy, Balmain,*  
and *Leyes*, with Mr. *Alexander Wedderburn*  
clerk of *Dundee*, and Mr. *Robert Barclay* pro-  
vost of *Irvine*. Upon the 16th those com-  
missioners arrived at *Aberdeen*, and, at their  
coming, a meeting of the town-council was  
called *pro re nata*, and the covenant was read  
all over to them; but the town being much  
under the influence of the marquis of *Hunt-*  
*ly*, and misled by their doctors, they refused  
to subscribe.

Deputies  
sent to  
*Aberdeen*,  
*Row*,  
P. 329.

The lord *Boyd*, with the lairds of *Blair* and  
*Keir*, and messieurs *D. Dickson*, *R. Baillie* and  
*Michael Wallace*, ministers, were also sent in  
commission, to deal with messieurs *Zachary*  
*Boyd*, *John Maxwell* and *John Bell* younger, mi-  
nisters at *Glasgow*, that they might bring them  
off from their opposition to the covenant, and  
so remove the stumbling block out of the way  
of that people; but no reasoning could move  
any

and to  
*Glasgow*,  
*Baillie*,  
P. 221.



1638. any of them at that time to pass from their scruples, and conform they would to *Perth articles*, gain say them who would.

The covenant almost universally agreed to, Ibid.

p. 220.

Rap.

p. 303.

Nevertheless, before the end of *April*, every parish through *Scotland*, where the minister was friendly to the reformation then sought, (and the number was inconsiderable who at that time durst profess otherways) having observed a fast to humble themselves for the former defection and breach of covenant, did renew the same with great solemnity, scarce a person opposing themselves, but every one, women as well as men, concurring, and publicly avouching the LORD to be their GOD, with their right hand lifted up, except, 1. papists (to whom it was not offered, the number of whom, in all *Scotland*, were not reckoned above 600 persons.) 2. Courtiers, who had no will to displease the king. And, 3. some of the clergy, who had sworn the oath for conformity, or were dignitaries in the church, the chief of whom were the doctors of *Aberdeen*. Yea, even in *St. Andrews* and *Glasgow*, the generality did concur, notwithstanding of the opposition made to them by some of their clergy.

and occasions a distinction of the kingdom into covenanters and non-covenanters, *Crawf.* book iii. p. 125.

And now this covenant did divide the kingdom into two parties, viz. covenanters and non-covenanters; non-covenanters have been already described, and the covenanters were either such as would not conform to *Perth articles*, &c. the chief of whom were Messieurs *Henderson*, *Dickson*, *Rutherford*, *Blair*, *Cant* and the two *Livingstons*; or such, who (though they had submitted to the bishops, and conformed to the articles of *Perth*) were orthodox preachers,

preachers, and zealous opposers of *Popery* and *Arminianism*, the chief of whom were Messieurs *Robert Baillie*, *Henry Rollock*, *John Adamson*, *John Bell*, *Robert Wilkie*, and *Andrew and Robert Ramsays*, who, upon the first appearance of the service-book, joined with the former in opposing innovations. But, passing this,

All presbyterians whose writings of that time we have seen, do bear witness, that a great measure of the divine presence did remarkably accompany that solemn action, and that its happy influences were every where signally felt and seen.—The general assembly 1640. in their letter to the churches of *Helvetia*, subjoined to *Historia motuum*, &c. say, “ That when they began to descend into themselves, and thoroughly to search their own hearts, the remembrance of their broken covenant did prick and wound their consciences; and therefore, being led by serious repentance, they resolved to renew their covenant—which first they sealed with their subscriptions, and thereafter, a publick national fast being appointed, they publicly confirmed their subscriptions in the churches, by a solemn oath, with their right hands lifted up, and with many groans and tears.”——The general meetings, or *Baillie*, tables, in a paper, intituled, *Reasons against the rendering of our sworn and subscribed confession of faith*, which may also be reckoned a national deed, say, “ That the LORD from heaven did testify his acceptance of that covenant, by the wonderful workings of his SPIRIT in the hearts both of pastors and people, to their great comfort and strengthening  
P p “ thening

Cove-  
nanting  
work ac-  
compa-  
nied with  
covenan-  
ted grace.

*Baillie*,  
P. 281.

1638. " thening in every duty, above any measure that  
 ~~~~~ " ever hath been heard of in this land." —

Messrs. *Henderson* and *Dickson*, in the end of their first answer to the replies of the doctors of *Aberdeen*, call that season, by way of eminence, "*The day of the LORD's power*, where-
 " in they had seen his people most willingly
 " offer themselves in multitudes like the dew
 " of the morning: That others of no small
 " note offered their subscriptions, and were
 " refused, till time should try that they join-
 " ed in sincerity from love to the cause, and
 " not from the fear of men; and that no
 " threatenings had been used, except of the
 " deserved judgment of God, nor force, ex-
 " cept the force of reason." — The pious
 p. 22. Mr. *John Livingston* gives the like testimony in his *Life*: " I was present (says he) at *Lanerk*, and
 " at several other parishes, when, on a *Sabbath*
 " after the forenoon's sermon, the covenant
 " was read and sworn, and may truly say,
 " that in all my lifetime, except one day at
 " the *Kirk of Shots*, I never saw such motions
 " from the spirit of God, all the people gene-
 " rally and most willingly concurring: I have
 " seen more than a thousand persons all at
 " once lifting up their hands, and the tears
 " falling down from their eyes; so that thro'
 " the whole land, except the professed papists,
 " and some few who for base ends adhered
 " to the prelates, the people universally en-
 p. 366. " tred into the covenant of God." Mr. *Bail-
 lie* also doth bear witness, that in his part of
 the country the covenant was renewed with
 much sorrowing; that many tears were shed
 upon that occasion, and that there was evi-
 dently

dently much amendment of life: And the 1638. judicious author of *The fulfilling of the scriptures* relates, " That the LORD did let forth
 " much of the spirit on his people, when
 " this nation did solemnly enter in covenant in the year 1638. Many yet alive do
 " know how their hearts were wrought on
 " by the word——The ordinances were lively, and longed after——Then did the nation own the LORD, and was visibly owned
 " by him ; much zeal, and an enlarged heart, did appear for the publick cause ; personal reformation was seriously set about, and
 " then also was there a remarkable gale of providence that did attend the actings of his
 " people, which did astonish their adversaries, and forced many of them to feign subjection." Nay the bishop of *Dunkeld*, who will not be suspected of over great affection to the covenanters, doth acknowledge, that the covenant was subscribed by the general meetings at *Edinburgh* with much joy and shouting ; and, speaking a little afterward of the subscription of that covenant in the several parishes, he says, It was every where done *with joy*, except in the north parts.

The solemnity of that action having been so great, and our design in repeating the same being as well that the present generation may be bettered by it, as gratified, we hope it will not be disagreeable to the serious reader, that we shut up this part of our relation with the pious and necessary reflexion of a late judicious writer upon that remarkable *era* : " Reader, (says he) stop here, and behold the nobility, the barons, the burgessees, the ministers

Fol. cd.
p. 186.

Gubb.
mem. p.
35.

A serious reflexion upon the whole.

Wilfon's defence of the reformation principles.

1638. " nisters, and commons of all sorts in Scot-
 " land, all in tears for their breach of cove-
 " nant, and for their backsliding and defec-
 " tion from the LORD, and at the same time
 " returning with great joy unto their God,
 " by swearing chearfully and willingly to be
 " the LORD'S. It may well be said of this
 " day, *Great was the day of Jezreel*: It was a
 " day wherein the arm of the LORD was re-
 " vealed, a day wherein the princes of the
 " people were assembled to swear fealty and
 " allegiance to that great KING, whose name
 " is the LORD OF HOSTS: It was the day of
 " the REDEEMER'S power, wherein his volun-
 " teers flowed unto him, even the day where-
 " in his youth was like the dew from the
 " womb of the morning—If we compare
 " our present times with the above day of
 " the right hand of the MOST HIGH, may
 " we not take up a lamentation over our
 " land, and cry, *Ah, Scotland, Scotland! How*
 " *is thy gold become dim! How is thy most fine*
 " *gold changed!* Where is that zeal for the RE-
 " DEEMER'S honour and glory that was once
 " warm in the breasts of thy nobility, thy ba-
 " rons, thy ministers and commons? Where
 " is that heroick courage and resolution for
 " the cause of CHRIST, as well as for the
 " liberties of the nation, that did at this
 " time animate all ranks of persons through
 " the land? Where art thou now? Ah! how
 " much sunk in great degeneracy and defec-
 " tion from the LORD! *Can these dry bones in*
 " *Scotland live?* the LORD only knoweth;
 " the residue of the SPIRIT is with him."

The

The covenanters having, by this their solemn conjunction, gained a discovery of two things very encouraging to them, viz. the unanimity with which that action was every where conducted, and the paucity of the numbers who struck out, they hoped that the king would be more propitious; and therefore they formed a supplication to his majesty, clearing the innocence of their proceedings, and the injustice of the bishops their opponents, which is added in the *Appendix*. This they sent up to the earl of *Haddington* with Mr. *John Livingston* minister; and, at the same time, they wrote to *Lennox*, *Hamilton*, and some other of the nobles at court, requesting them to solicit his majesty for a gracious answer to their supplication.

The privy-council, being likewise alarmed with so general a confederacy amongst the covenanters, did also send up Sir *John Hamilton* of *Orbiston*, lord justice-clerk, to inform the king with what had happened, and to urge that a stop might be put to the innovations complained of, at least that the grievances of the subjects should be listened unto and examined, and that his majesty would be pleased to hear what reasons his council had to offer in support of their petition; and, to shew how serious the council were in that matter, they gave *Orbiston* particular instructions for regulating his conduct upon that occasion, which the reader may find in *Rushworth's collections*, *Burnet's memoirs*, &c.

Those instructions, which contained a kind of remonstrance to the king, were seconded by a letter to his majesty, signed by *Traquair* and

1638.

The covenanters send a new petition to the king, and a letter to the nobles at court. *Baillie*, P. 238. *Appendix*, No. vi.

and the privy-council send up lord *Orbiston* with instructions. *Ibid.*

1638. and *Roxburgh*, and by a letter from the council to *Hamilton*.

The bishops lost all hope. Mem. p. 35.

Spottiswoode flees,

Baillie, p. 346.

as did others afterward

Mr. *Livingston's* fruitless journey to court.

By these means the bishops were cast into a sudden consternation and fit of despair. According to bishop *Guthrie*, the archbishop of *St. Andrews*, being in *Edinburgh* when the covenant was first subscribed there, said, "Now all that we have been doing these thirty years past is thrown down at once; and, fearing violence, he fled to *London*, where he died next year." But whatever truth may have been in this, another cause for the archbishop's departure was better believed.—Notwithstanding his archbishoprick, priory and chancellorship afforded him above 40,000 *L. Scots per annum*, a sum which might have gone as far at that time as near double of it can do now; and, though his sons were well provided with posts and pensions, yet, to the surprise of every mortal, that family run in debt to the extent of near 350,000 merks, which they were in no capacity to pay; and, knowing they had little sympathy to look for in *Scotland*, they found it needful to make an elopement. Such other of the bishops as knew themselves to be most ungracious to the people, thought fit to take the same rout in a short time thereafter; and the few who stayed behind were advised to hold themselves quiet, and live retired. But to return to the express sent to court.

Mr. *Livingston* was not above four hours at *London*, when the king heard, by *Orbiston*, of his journey, and of the design of his coming, and gave orders for apprehending him; but the earl of *Haddington*, to whose care the supplication sent was committed, having got notice of the attack

attack intended against Mr. *Livingston*, sent him 1638. information of the same; and so, after one day's lurking privately at *London*, he returned back to *Scotland* in great haste. Our author observes, that Mr. *Livingston* had the misfortune to be accounted a rigid and passionate man, and, which was worst of all in the judgment of the court, he was standing under the censure of excommunication by the *Irish* church; so that the employing him on such an errand might be reckoned an inconsiderate step; yet the censure here may be the lighter, that Mr. *Livingston* was only to deal with *Haddington*, he with *Lennox*, *Hamilton* and *Morton*, and they with the king: However, the employing such a bearer was made use of as a cover to excuse the king's displeasure with the covenanters, and conceal his unwillingness to listen to their request; and so the supplication to his majesty was sent back unopened; and the duke, in a letter to *Montrose*, *Hamilton* in one to *Roths*, and *Morton* in another to *Lindsay*, wrote, that the king did not think proper to look upon their supplication, but that, being informed of their desires by his council, he was to give an answer to them by proclamation.

Bailie.
P. 223.

Ibid. p.
261.

Notwithstanding *Orbiston* was an informer against Mr. *Livingston*, whereby he did much disoblige the covenanters, his fidelity in the discharge of the trust committed to him by the privy-council did go far in making amends; for in no jot did he fail to discharge himself of all that was contained in his instructions, and thereby reconciled the king's mind to listen to farther information.

Orbiston's
success-
ful.

Accordingly

1638.

The king calls up three of his council, and gives orders to consult lawyers on the covenanters proceedings. Ibid. p. 224, 269.

The opinion for covenanters.

The councillors take journey, and are followed by the bishops. Ibid. p. 269.

Accordingly his majesty wrote first to his council, requiring that they might send up the lords treasurer and privy-seal, and afterwards he wrote to the lord *Lorn* also to come to court; and ordered that the most eminent and least suspected of the *Scots* lawyers should be consulted concerning the legality of the covenanters proceedings, in convening together without his authority, protesting against the proclamation of his royal pleasure, and entering into covenant without his majesty's command or concurrence. Sir *Thomas Hope*, the advocate for the crown, with

Nicolson, and Sir *Lewis Stewart* of *Blackhall* being thereupon advised, gave their opinion, that the most part of the covenanters proceedings were warranted by law; and that though in some things they seemed to have exceeded, yet there was no express law against them; an opinion which could give no satisfaction to his majesty, and in which it was not doubted the two last had crossed their inclination; but their solid judgment, and deep knowledge of the law, would not allow them to say otherwise; and for the former, it was shrewdly suspected that the covenanters had hitherto acted by his advice in the most intricate steps of their management. But passing this,

The three councillors sent for did not linger long; they set out on their journey very quickly, and were soon followed with the lord president, the lord register, and the bishops of *Rosse*, *Brechin* and *Galloway*; the chancellor was there before them, and shortly after the marquis of *Hamilton* wrote for his friend *Orbiston*,

biston, who had returned to Scotland with the 1638.
order for calling up *Roxburgh* and *Traquair*.

So great pains used for advice could not miss to put the covenanters in great fear: *Lorn* was the only person of the whole they hoped well of; and they were afraid lest the king should either persuade him to go his way, or find him errands at court for a long time; and for the others they looked for no good from any of them. The treasurer had so steered betwixt duty and difficulty, leaning sometimes to the one, and yielding anon to the other, as had made him lose much of his trust with both sides; and they laid their account with the worst from the rest who went up that their wit could devise; and therefor they thought fit, while their opposites were thus gathering for consultation against them, to betake themselves to their old course of fasting and prayer.

It was not long ere they found the necessity of having God upon their side: The bishops, especially *Rosse* and *Brechin*, the two worst of them all, foreseeing that, if the king were inclined to clemency, they would be undone, laid all oars in the water to excite his majesty to take violent measures with the covenanters; they knew well with what bait the king's mind could be most easily caught; and therefor they argued that his majesty was bound up, of necessity, either to repress by severity the insolence of his seditious subjects, or expose the majesty of the royal dignity to contempt; that the punishment of offenders was expected from his equity, that the possibility of doing it would render the neglect thereof inexcusable,

The covenanters recourse in a strait. Ibid. p. 224. 260.

The bishops bloody advice. Ibid. p. 224. 260. *Crawf.* p. 137.

1638. excusable, and that there was the greatest probability of doing the same successfully; for, without calling in the aid of the *English*, they alledged that there was force in the kingdom sufficient to correct the insolence of the covenanters; and that the three marquises of *Hamilton*, *Huntley* and *Douglas*, with the earls of *Seaforth*, *Nithsdale* and *Abercorn*, and the lord *Semple*, with their followers, the town of *Aberdeen*, and especially the *MacKays*, *Grants*, and other northland clans, who had not subscribed the covenant, might easily overway all the subscribers.

This advice opposed by the nobles.

Ibid.

p. 261,

263,

343.

What use the covenanters made of the bishops advice shall be related in a little, meantime the nobles opposed it with vigour. The ingenuity of the lord *Lorn* upon that occasion was much applauded; it was said he concealed nothing he knew of our country's grievances, of his own dislike of *Perth* articles, of the books of liturgy and canons, and of the bishops ill conduct; and professed his own resolution rather to leave the kingdom than concur in binding these burdens upon his countrymen. *Traquair* also was for peace. Whereupon the bishops, unable to conceal their dissimulation any longer, fell to reproaching his lordship, as one who was in the covenanters secrets, and gave them intelligence. On the other hand, *Traquair's* recriminations against the bishops were as great; for he laid the whole blame of the miscarriage of the king's designs upon their imprudence and violent conduct. And the *English* lords fearing, that, if once a war were kindled in *Scotland*, the malcontents in *England* might procure a change of the scene

scene there also, were no less averse to war 1638. than the *Scots* themselves.

The arguments which were made use of on that occasion, would well deserve a place here, were it not that a speech, said to have been delivered by the duke of *Lennox*, containing the substance of the whole, doth supersede repeating what was said by others, and therefor it may be proper to insert it here.

Most gracious Sovereign,

" I Am not altogether insensible of the nature of this business wherein I am now called to give my advice; and I know I shall suffer some disadvantage by reason that I am a *Scotsmen*, both by birth and education, and indeed the best blood which runs in my veins I have extracted thence. What I shall now speak, *ex animo* and not *ex cute*, some may possibly impute as proceeding from strength of affection to that place and people from whence I came; but I do protest that my zeal to your majesty shall at this time suspend the thoughts of such principles, and I will set aside all particular relations, and look upon the question as it is, and not as passion or affection may set it forth.

Lennox's speech, Ibid. P. 375.

" The question is concerning war, an unknown subject, sweet to those who have not tried it. The worst of war is, usually, in the conclusion the most advantageous war that ever was (all reckonings being cast up) the conqueror hath but little to glory of. But this is not a war betwixt a king and a stranger,

1638. " stranger, but between a sovereign and his
 " subjects ; a near relation, and they had
 " need be weighty motives that dissolves this
 " knot. Subjects are easily lost we see in the
 " work of every day, but, being once lost, are
 " hardly regained ; affections are like chrystal
 " glasses, which, being once broken, no art can
 " cement again ; but these are not such sub-
 " jects as the kingly prophet speaks of, *A*
 " *people whom I have not known shall serve*
 " *me* ; but your majesty may say of them as
 " *Adam* did of *Eve*, who was formed out of his
 " rib, *This is flesh of my flesh, and bone of my*
 " *bone* ; or, as *David* of his subjects the day of
 " his inauguration, *For my brethren and compa-*
 " *nions sake*, your majesty being theirs and they
 " yours by a double tye : You are not only *rex*
 " *factus*, but *rex natus*, and therefore the union
 " being so strait, the motive had need be weigh-
 " ty that shall cause a man set his own house on
 " fire, and destroy the work of his own hands.
 " Now let us consider of two things. 1. The
 " necessity of war. 2. The motives thereun-
 " to, whether they be *tanti*, of such moment
 " that a king should hazard the uncertain
 " chance of war, and the miseries that accom-
 " pany it, rather than forego the same. It is
 " a good Note of *Tacitus*, that *bellum* should be
 " *ultimum refugium*, the last, because it is the
 " worst refuge ; and if we consider of the
 " wisest kings that ever wore sceptres within
 " these later times, how willing they have
 " been always to decline the stroke of war
 " almost upon any terms. If your majesty
 " but consider the practice of *Lewis XI.*
 " and king *Henry VII.* than which two *England*
 " and

" and *France*, in their large list and catalogue 1638.
 " of all their kings, cannot point two of more
 " profound judgment, and better versed in the
 " mystery of government; yet what means did
 " they use, or rather not use, to divert the
 " course of war, when at any time it did run
 " within their channel? They counted it no
 " dishonour to yield to their subjects desires,
 " though sometimes unjust and unreasonable;
 " nay, themselves to be the first seekers and
 " proponers of peace; and so, by this means,
 " when the storm was over, and things came
 " to be debated over the green carpet, they
 " were masters of their own deeds and sub-
 " jects affections, and obtained the victory
 " without striking one stroke. These wise
 " kings considered that the end of war is
 " uncertain, and the event various and he
 " who commits an error in the war, (especi-
 " ally when the seat of it is in his own king-
 " dom) seldom lives to commit a second.
 " We need not go far for instance, *Richard II.*
 " and *Edward III.* will be fresh precedents
 " to any that shall desire to buy the experi-
 " ence thereof in so dear terms as they did.
 " It should be in the body politick as in the
 " body natural, *phlebotomy* should never be u-
 " sed but when the humors are so predomi-
 " nant that no other course will remove
 " them, and that, unless they be dispelled,
 " they will occasion *dissolutionem continui*;
 " but, blessed be God, there is no such oc-
 " casion in this case. There be some tough
 " humors in the body politick it cannot be
 " denied, and some, it may be, that work ob-
 " structions in some of the lesser pipes of the
 " government,

1638. " government, but their *vena basilica* and *vena cava* are free, and the royal spirits in them have their proper influence and motion without any opposition. What is now to be done? Force is not fit for every subject; some humors are expelled by lenitives, whereas purgation maketh others more malignant. There are yet three means to be used that have not been tried, any of which is better than the mean in hand. 1. Remove the occasion: This can be no impeachment to the sceptre. The wisest kings have had their oversight in government, which a wiser day hath taught them to recal: Your father reigned gloriously, and commanded as well the affections as the bodies of the Scots, yet he never sought the abtrusion of *minima et infima*, and yet no man more zealous of kingly government than he. It is an act of extreme folly to hazard the substance for the shadow, not worth the contending for; and, if your majesty were master of your desires, it would not add one cubit to your stature. 2. If this like not, let time work it out, and by this means they will either swallow the hook, or endure the proposal with less regret; distasteful things work most at the first, less afterwards; by degrees your majesty may work them to that, which, for the present, they would rather die than embrace. We see how the *Romans*, by degrees, brought a total slavery over all the world; which, if at first they had proponed upon downright terms, had hardly been accomplished, if ever. So *William the Norman* brought

" brought *England* by degrees to wear the yoke, 1638.
 " which, if it had been tendred in plain terms, ~
 " he must either have missed of his aim, or had
 " no people over whom to impose it, so im-
 " patient was the *English* nation, either to hear
 " of a conqueror, or to be branded with the
 " name of a conquered nation. 3. We see
 " the way to conquer is sometimes to cede.
 " What if your majesty should seem in these
 " things to yield to the *Scots'* demands, and
 " give them the advantage of a fair gate?
 " Cannot your majesty remove the obstacles
 " by degrees, and turn the humor some other
 " way, for a more seasonable opportunity to
 " serve in these things, by instruments more
 " fit, and less subject to exception? The pro-
 " posal of this course I should hold more
 " safe, more secure, than that cruel one of the
 " sword, which knoweth no law but this, *The*
 " *sword devours one as well as another*: And I
 " hold that king most miserable, that is for-
 " ced to make use of a remedy worse than
 " the disease. This much for the first thing,
 " there is no necessity of war *rebus sic stan-*
 " *tibus*. These things in agitation are not *tan-*
 " *ti*, of such a value as should require such
 " a desperate adventure, to hazard a kingdom
 " at a cast for the gaining them. *Plutarch*
 " wisely compares them, that know not how
 " to proportion the mean to the right end, to
 " such as fish with a golden hook; the loss of
 " the hook is of more consequence than the
 " fish they can take thereby. Truly, to speak
 " plainly what I think, those that advise war,
 " in this case, know not what it is to get,
 " nor greatly care for the loss of a kingdom,
 " if

1638. " if so they may play their own game, and
 " fish in troubled waters. Such councillors
 " as these were the bishop of *Ross* to the
 " late queen of *Scots*, and the bishop of
 " *Brukes* to *Ladislaus* the miserable king of
 " *Hungary*, who were the occasion of bring-
 " ing the *French* into *Scotland*, and the *Turks*
 " into *Hungary*; two guests that both the nati-
 " ons have cause to wish they never know
 " the way thither again.

" Three reasons have been given to per-
 " suade unto war, which I will not now an-
 " swer, but leave to him who is better able
 " for such a purpose; wherefore, considering
 " *nulla salus bello, nulla necessitas belli*, my ad-
 " vice to your majesty is not to use war, but
 " when the end of it is either a certain or a
 " probable peace. In this advice though I
 " displease others, yet I shall please myself,
 " because I have spoken as I think, and my
 " hope is, that whenever your majesty shall
 " be obliged to draw the sword in a just quar-
 " rel, I shall be as ready to do your majesty
 " service as they are who now talk much of
 " war, but neither know where to begin, nor
 " greatly care where it ends."

said to
 be sup-
 positions.
 Ibid. p.
 447.

This golden speech was afterwards said to
 be suppositious; however, as it is the language
 of reason, the considerations it proceeds up-
 on could not miss presenting themselves as
 well to the king as to his subjects, and hap-
 pily for his majesty, as well as these lands,
 his royal mind became at length more incli-
 nable to peace, and better disposed to give
 way to a treaty with the covenanters.

But

But, before we enter thereupon, it may be 1638. proper first to bring forward the account of some things that happened during the consultations at court.

Upon the news of the bishops' advice, and assurance given by them that so great force might be raised for supporting their interest, especially amongst the clans in the north, commissioners, generally lawyers or ministers, or both, were sent through the kingdom where any were disaffected, and especially to the north, to procure subscriptions, of out-standers, to the national covenant, and they happily procured the subscriptions of the most of the names of *Hamilton* and *Douglas*, of all the *Gordons* who were under the influence of *Sutherland* and *Kenmure*, of all the *Campbells* without exception, the generality of the *Forbeses*, *Frasers*, *Grants*, *MacKenzies*, *MacKays*, *MacIntoshes*, *MacLeans*, *MacDonalds*, *Irvines* and *Inneses*, a fifth part of whom, reasonably speaking, were able to have repelled force with force against all the recusants thro' Scotland; many in *Aberdeen* and *Glasgow*, who had hitherto stood out, subscribed also; not a burgh in *St. Andrews* refused; and, in *Edinburgh*, Dr. *Elliot* minister, with Mr. *Robert Ranken* and Mr. *John Brown*, two of the regents, were the only persons of note who refused to give their subscriptions. This so universal a concurrence of the kingdom being reported at court, the bishops who advised the king to make war upon Scotland, in the faith of assistance from those clans, were looked upon as enemies to their king and country, and as con-

Re sulting

Ibid. p.
223.

1638. salting their own interest upon the ruins of both.

Presbyteries assumed their ancient powers.

The episcopal interest being so low, several presbyteries ventured, about this time, to ordain ministers without the knowledge or consent of the bishop. All of them removed the constant moderator. Mr. *Rutherford* returned to his charge at *Anwoth*, and the ministers who came over from *Ireland* were settled either in vacant congregations, as Mr. *John Livingston* at *Stranrawer*, Mr. *James Hamilton* at *Dumfries*, and Mr. *John MacLennan* at *Kirkcudbright*, or colleagues to others, as Mr. *Robert Blair* to Mr. *William Annan* at *Ayr*, and Mr. *Samuel Row* to Mr. *Henry MacGill* at *Dunfermling*.

Bp. Guthrie refused, *Mem.* p. 37.

Those places, saith the bishop of *Dunkeld*, were vacant by the flight of the incumbents who had formerly served therein; for their disaffection to the covenant had rendered them obnoxious to the fury of the people, and they saved their lives by abandoning their country. But, though mobs did too much abound, as we shall shew in a little, that was not the case in either of these places; some of them were vacant by the death of their former pastors, and others of them called those ministers as colleagues, not successors to their former pastors, and gave them a maintenance, without abating the livings of the others; and, according to my author, Mr. *Blair* was settled with Mr. *Annan's* own consent.

Boillie, p. 221.

Episcopals opposed the covenant, &c.

Yet, notwithstanding the so imminent hazard this bishop would hold his brethren in, others of them were not a whit confounded.

The

The professors in the university of *St. Andrews* 1638. gave out reasons for refusing their oath and subscription to the covenant, which, with the answers to the same, are intended to be added, *Appendix*, number vii. In *Aberdeen* likewise the doctors began a paper war. Dr. *Baron* published a piece in favours of the service-book, and against the covenant, but it was too weak to hurt the cause; and therefore Dr. *John Forbes* of *Corse*, another professor of divinity there, wrote a pamphlet, under the title of *A peaceable warning to the subjects of Scotland*; but, within a few days, there came forth an answer which silenced that gun also. However, in a few months after, these doctors, with some others at *Aberdeen*, did unite their force against the covenant, as we shall relate in its place.

The zeal of the town and university of *Aberdeen* being so much displayed against the covenants, the king, upon an information of their loyalty by Mr. *Ballantyne* bishop of *Aberdeen*, wrote to them upon the 9th of *April*, by the title of *Our trusty and well-beloved, the provost, bailies and council of our city of Aberdeen, and ministers thereof*, giving them thanks for their affection to his service, and promising them, if they continued so, good effects of his majesty's favour. This (saith Mr. *Row*) with *Huntly's* promises, (which he bravely performed, *May* 14. 1466. when he set *Aberdeen* on fire in four or five parts) and their ministers assiduous preaching down of the covenant, made them resolute and bold in the anti-covenanting profession.

Ibid. p. 250, 255.

Ibid. p. 222.

Row, p. 330.

especially in *Aberdeen*.

Hist. p. 330.

At

1638.

Confu-
sions of
the coun-
try.
Baillie, p.
224.

At this time the kingdom was in a very dis-ordered condition; there had been a vacation of the courts for twelve months past. Some were become disregardful of their creditors; and, which was still worse, many of the *Gordons*, and some of the other clans, taking the advantage of the surcease of justice, began to arm, plunder and oppress their neighbours, and some murders were committed. In the south the marquis of *Douglas*, the earl of *Abercorn*, and the lord *Semple*, did openly prepare for hostility.

Disor-
ders of
some co-
venan-
ters.

Nor could the covenanters prevail with all their well-wishers to behave with that decency which became the professors of so good a cause. Several of the meaner sort, especially amongst the women, committed outrages against some of the non-conform clergy; as, at *Lanerk*, against Dr. *Robert Hamilton*, a great agent for the bishops, and Mr. *John Lindsay*, the constant moderator of the presbytery of *Lanerk*, because they were the two greatest sticklers for the innovations complained of in that bounds. For the same reason Dr. *Ogston*, minister at *Collington*, was attacked in *Edinburgh*: He had been brought south by bishop *Forbes*, which, to the credulous, was reckoned cause enough for suspecting his orthodoxy. Before the communion, he used to cause the people answer his examination upon their knees, and, at this time, he was suspected by some to have spoken somewhat in favours of the virgin *Mary*. Mr. *Hanna*, at *Torphichen*, was also beaten by some of his parishoners, but without effusion of blood. He had been intruded upon them against their will; the famous Mr. *Living-*

ston

ston had been put out to make way for him; and, 1638. since his settlement there, those who would not conform could not have liberty to live in quietness for him. Dr. *Monro* at *St. Andrews*, in his passage thro' *Kinghorn*, was likewise beset by the rabble there, and escaped not their fury without blood and wounds. He had been at *Edinburgh*; whither it was suspected he had been sent by the bishops as a spy, to give account of the proceedings of the covenanters, and that, joined with his known favour to the innovations complained of and opposition to the covenant, was thought of sufficient weight to justify the severity used against him; and, at *Edinburgh*, Dr. *Elliot* and one Mr. *Fletcher* were, some time after that, insulted and rudely maltreated by the women there.

These, and some few other instances of the kind, were quickly transmitted to the king; and, to add oyl to the flame, those facts were greatly exaggerated, and, since that time, they have been improven by adversaries to the disparagement not only of the actors, but of all the covenanters and their proceedings, as if their whole conduct had been riotous and disorderly; but the two following considerations must take off the force of that imputation. (1.) That the administration of justice was stopped, the courts vaiked, and the chief judges of the land, whose authority might have prevented these disorders, had either gone to court, or left off the exercise of their offices for a time. And (2.) those disorders were discouraged, and endeavours used to prevent them, by the more judicious amongst the covenanters, as that in *Lanerk* was suppressed

Those disorders condemned by the generality, *Ibid.* p. 224.

1638. by the diligence of the magistrates, those in *Edinburgh* by the influence of Messrs. *Rollock* and *Ramsay* ministers, and that in *Kinghorn* by the activity of the magistrates and some gentlemen in the place and neighbourhood; yes, wherever a spirit of that kind kythed itself, the ministers inveighed against it, as hurting the good cause, and bringing a reproach upon the whole covenanters; and if, with all this diligence, they were not able fully to stop such disorders, the reader is left to judge who were to blame for that, whether the covenanters who used all their influence for allaying such heats, or the judges of the land, whose authority, joined to the others influence, might have effectually done it. But, passing this,

The king resolves on a treaty with the covenanters. The naming *Traquair* as commissioner opposed, Ibid, p 363.

The advice for war being set aside for the time, the king came to a resolution to yield somewhat to his *Scots* subjects, and for that purpose his majesty resolved to name a commissioner to treat with them. The next question was, who should be intrusted with that service? or rather, who had shoulders able to bear the burden? The lord treasurer was once like to have been employed; but the bishops, to prevent the intrusting of their mortal enemy, did again, when no such matter was expected, give in a long accusation of all things which they apprehended could in the least militate against him. *Brechin* having been one of *Traquair's* creatures, and privy to a great deal of his table-talk, was judged the fittest for forming their accusation, and the same, being finished, was subscribed by the chancellor and the bishops of *Ross* and *Brechin*. The bishop of

of *Galloway's* concurrence was excused, on account of his connection with the accused. *Traquair* not having been aware of this charge, had no formal recrimination in readiness; but, being a loquacious man, he boldly asserted his own innocence, and threatened those bishops, especially *St. Andrews*, with a charge of very deep crimes; and indeed their carriage at that time (abstracting from all their former malpractices) did not become ecclesiasticks. Much was spoken of their rioting, drinking, and absence from all divine service on the Lord's Day: But no account was taken of these things, and the articles wherewith the treasurer was impeached were likewise accounted trifling. The king would not take time to discuss the same, yet his majesty's mind was thereby diverted from him, and this was perhaps all that the bishops aimed at.

Traquair's hopes being frustrated, the king made not longer deliberation, but quickly pitched upon *James* marquis of *Hamilton*, as a person of the greatest authority of any in *Scotland*, who was not tainted with a party-spirit, to act as his majesty's high commissioner, although, at the same time, his father having procured the ratification of *Perth* articles anno 1621. which, in a great measure, gave rise to the present commotions, and himself having tasted so deeply of the king's liberality in the matter of the taxations, some could not help looking on him as equally liable to suspicion with others who were overlooked.

While this commission was in agitation, a rumour was spread amongst the covenanters, that the king, by yielding somewhat to them, would

Hamilton
named
commis-
sioner.
Ibid. p.
345.

Means
used by
the co-
venan-
ters pre-
vious to
the trea-
ty,
Ibid. p.
271.

1638. would please some, and so divide them ; but, to prevent fears of this sort, the earls of *Rothes*, *Cassilis* and *Montrose*, wrote letters to the nobles at court, inclosing a paper of the following tenor, as the least that could be asked for settling this church and kingdom in a durable peace.

ARTICLES for the present peace of the
kirk and kingdom of Scotland.

Articles
offered
by them,
Ibid. p.
264.

“ IF the question were about such matters
“ as did come within the compass of our
“ own power, we would be ashamed to be
“ importunate, and should be very easily sa-
“ tisfied, without the smallest trouble to any;
“ but, considering that they are the matters of
“ God’s honour, of the kingdom of Christ,
“ and the peace of our souls, against the My-
“ stery of iniquity, which we clearly perceive
“ to have been incessantly working in this
“ land since the reformation, to the ruin of
“ true religion in the end, it cannot stand
“ with our duty to God, to our king, to our-
“ selves and posterity, to crave or be content
“ with less than that which the word of God,
“ and our *Confession of Faith*, doth allow, and
“ which may, against our fears, establish reli-
“ gion afterwards.

“ I. The discharging of the Service-book,
“ the book of Canons, and of the late High
“ Commission, may be a part of the satisfaction
“ of our humble supplications and just com-
“ plaints, which therefore we still humbly de-
“ sire ; but that can neither be a perfect cure
“ of

" of our present evils, nor can it be a prefer-
" vative in time to come. 1638.

" II. When it is considered what have been
" the troubles and fears of his majesty's most
" loyal subjects from the high commission,
" what is the nature and constitution of that
" judicatory, how prejudicial it proves to
" the lawful judicatories of the kirk and
" kingdom, how far it endangers the consci-
" ences, liberties, estates and persons of all
" the lieges, and how easily, and far more
" contentedly, all the subjects may be kept
" in order and obedience to his majesty's just
" laws, without any terror of that kind, we
" look that his majesty's subjects, who have
" been used to obey according to the laws,
" shall be altogether delivered from the *high*
" *commission*, as from a yoke and burden
" which they feel and fear to be more heavy
" than they shall be ever able to bear.

" III. Remembering by what ways the ar-
" ticles of *Perth* were introduced, how strange-
" ly and with what opposition they were car-
" ried in the assembly, upon what narrative
" they were concluded, how the ratification
" in parliament was not desired by the kirk,
" but earnestly supplicated and protested a-
" gainst, how they have been introductory of
" the service-book, whereof now they are be-
" come members, and in their nature make
" way for popery, (whatsoever hath been the
" intentions of the urger) and, withal, what
" troubles and divisions they have caused these
" twenty years in this kirk and kingdom, and
" what jealousies between the king's majesty
" and his subjects, without any spiritual pro-
" fit

1638. " fit or edification at all, as we can see no reason why they should be urged by authority; so can we not find, but we shall be more unable to digest them than in the beginning when we had not as yet tasted and known how bitter and unwholsom they were.

" IV. The judgments of the best divines of the reformed kirks, and of the most pious and learned of this kirk since the reformation, concerning the civil places and offices of kirkmen, and concerning the vote of ministers in parliament, have been made known in divers general assemblies, which moved the assemblies of this kirk, when they could not, by their modest opposition, prevail to limit the ministers that were to vote in parliament, by certain particular cautions agreed upon at first, and ordained to be inserted in the act of parliament, and by other cautions to be made afterward, as the assembly should find meet and necessary; and therefore, if we will declare our minds, after lamentable experiences of the evils which were then foreseen, feared and foretold, we cannot see how ministers voting in parliament absolutely, without the limitation of these cautions, can be thought fit to vote in the name of the kirk.

" V. We have no grievance more universal, more ordinary, and more pressing, than that worthy men, who have testimonies of their learning from universities, and are tryed by the presbyteries to be qualified for the work of the ministry, and for their life and gifts earnestly desired by the whole people, are notwithstanding rejected, because

“ cause they cannot be perswaded to subscribe 1638.
“ and swear such unlawful articles and oaths, ~
“ as have neither warrant of the acts of the
“ kirk nor laws of the kingdom, and others
“ of less worth, ready to swear for base re-
“ spects unworthy to be mentioned, are ob-
“ truded upon the people, and admitted to
“ the most eminent places of the kirk and
“ schools of divinity, which causes continual
“ complaints, makes the people run from
“ their own kirks, refuse to receive the sacra-
“ ment at the hands of the ministers set over
“ them against their hearts, or to render them
“ that honour which is due from the people
“ to their pastors, and is a mighty hindrance
“ to the gospel, to the souls of the people,
“ and to the peace of the whole kirk and
“ kingdom ; all which might be easily helped,
“ by giving place to the 114th act of parlia-
“ ment 1592. declaring, That God hath gi-
“ ven, to the spiritual office bearers of the
“ kirk, collation and deprivation of ministers,
“ and ordaining that all presentations to be-
“ nefices be directed to particular presbyte-
“ ries in all time coming, with full power to
“ give collation thereupon, they being the
“ lawful office-bearers of the kirk, to whom
“ God hath given that right, which there-
“ for never was nor can be taken from
“ them, and so conferred upon others, as
“ that they shall be quite secluded there-
“ from.

“ VI. The lawful and free national assem-
“ blies of this kirk, warranted by divine au-
“ thority, ratified by acts of parliament, kept
“ in other reformed kirks, and in this kirk
“ since

1638. " since the reformation, and acknowledged
 " by king *James* to be the most necessary
 " means for preservation of piety and union,
 " and for extermination of heresy and schism,
 " (who willed therefore, that the act of par-
 " liament for conveening the general assem-
 " blies once in the year should stand in force)
 " if they were revived, and by his majesty's
 " authority appointed to be kept at the or-
 " dinary times, and if one, at his majesty's
 " first opportunity, and so soon as may be
 " conveniently, should be indicted, kirkmen
 " might be tryed in their life, office, or bene-
 " fice, and kept in order without trouble to
 " his majesty, and without offence to the
 " people, the present evils might be speedily
 " helped, to his majesty's great honour and
 " content, and to the preservation of the
 " peace of the kirk, and these courses might
 " be stopped afterwards; and, on the con-
 " trary, while kirkmen escape their due cen-
 " sure, and matters of the worship of God
 " are imposed without the consent of the
 " free assemblies of the kirk, they will ever
 " be suspected to be unsound and corrupt, as
 " shunning to be tried by the light, to the
 " continual entertaining of heart-burnings a-
 " mongst the people, and to the hindrance of
 " that chearfulness of obedience which is due,
 " and from our hearts we wish may be ren-
 " dered to the king's majesty.
 " VII. If, according to the law of nature and
 " nations, to the custom of all other king-
 " doms, and the laudable example of his ma-
 " jesty's worthy progenitors, in the like cases
 " of national grievances, or of commotions
 " and

“ and fears of a whole body of a kingdom, 1638.
 “ his majesty should be graciously pleased to
 “ call a parliament for the timeous hearing
 “ and redressing of the just grievances of the
 “ subjects, for removing of their common
 “ fears, and for renewing and establishing
 “ such laws, as in time coming may prevent
 “ the one and the other, and may serve to the
 “ good of the kirk and the kingdom, that the
 “ peace of both might be firmly settled, and
 “ mens minds now so awakened might be
 “ easily pacified, all our tongues and pens
 “ are not able to represent what would be
 “ the joyful acclamations and hearty wishes
 “ of so loyal and loving a people for his ma-
 “ jesty’s happiness, and how heartily bent all
 “ sorts would be found to bestow their for-
 “ tunes and lives in his majesty’s service.”

“ VIII. The more particular notes of all
 “ things expedient for the well of the kirk and
 “ kingdom, for his majesty’s honour and sa-
 “ tisfaction, and for extinguishing of the pre-
 “ sent combustion, may be given in to be
 “ considered in the assembly and parliament.”

At the same time the covenanters, knowing
 of what consequence it was to the cause to
 preserve unity of measures amongst them-
 selves, agreed upon articles, and sent them
 abroad thro’ the country, of the following im-
 port.

And their en-
 deavours
 for pre-
 serving
 unity.
Baillie,
 p. 269.

I. That no answer be made to statesmen
 concerning the publick business without com-
 mon advice and consent, nor private motions
 tending to break their covenanted union,
 otherwise

1638. otherwise they were to be reputed unfriends
to the covenanters and their cause.

2. For the better preparing and managing of matters to be treated of, it was thought fit that there should be a committee chosen out of each degree; and, to prevent offence being taken at the nobles, as taking too much upon them, that some of the gentry, ministers and burgesses, should be present in their meeting.

3. It was recommended, that all who were named to wait at *Edinburgh* should attend punctually; and, lest the adversaries should suspect that the strength of their cause lay in the so frequent attendance of the nobles, it was thought proper that fewer of them should attend thereafter, that so it might be seen others had the honour of God, and the peace of their consciences, no less at heart than they.

4. In case any proclamation was made contrary to the desire of their former supplications, they were to meet the same with a protestation containing for reasons the substance of the eight articles before inserted, and these were to be sent by the commissioners, or deputies, thro' the several parts of the kingdom, to prevent imposition and surprise.

5. If the discharge of the books of service and canons, and the limitation of the high commission, should only be granted upon pre-
tence the other evils complained of were ratified by law, it would be answered, That the abuse of the episcopal government is contrary to and censurable by law, and that our desires
for

for the yearly free exercise of a general assembly, free admission of ministers, the ceasing of the articles of *Perth*, and limiting the prelates boundless usurped power, according to the caveats, are all agreeable to law. If the bishops and statesmen be of a different opinion, the general assembly and parliament, who were the law-makers, are only competent judges for explaining their acts, and their judgment would be craved thereon; and although the law were interpreted, as the bishops, &c. would have it, yet the body of the kingdom, for whose good the law is designed, may crave the lawful redress of grievances sustained by that law, as in fact they had done; and therefor supplications and protestations for clearing the subjects liberty, and repairing the wrongs complained of, could not be otherwise lawfully judged in; the present evils remedied, nor the like or worse in time coming prevented, without a free assembly and parliament.

6. It was thought fit, that all who had subscribed the covenant should be made sensible that they ought not to rest with less than was contained in their articles.

7. That the number of commissioners named for attending at *Edinburgh*, should be doubled against the commissioner's down-coming.

8. That the reports concerning the subscription of the covenant be sent from all the different parts of the kingdom.

9. That there be a fast, at the time of the general meeting, for such causes as the ministers should condescend upon. And,

Finally;

1838. Finally, That their committee should advert to all things formerly committed to them.

Some of the bishops, who remained in Scotland, getting a hint of what the covenanters were doing, they, with a few of their accomplices, thought proper to send up one of their friends to court with the following

ARTICLES of information to Mr. Andrew Leamonth, for my lord archbishop of St. Andrews, the bishop of Ross, &c. and in their absence for my lord archbishop of Canterbury his grace.

The
com-
plaints
of the
clergy.
Burn. p.
41.

I. YOU shall shew their lordships how they have changed the moderator of the presbytery of Edinburgh, and are going on in changing all the moderators in the kingdom.

II. How they have abused doctor Ogston the ninth of May in Edinburgh, Mr. George Hanna at Torphichen the sixth of May, doctor Lamond at Markinch the ninth of May, Mr. Robert Edward at Kirkmichael, whom Kilkeran is forced to entertain at his own house.

III. That the presbytery of Haddington have given imposition of hands to Mr. John Kentson, to be his colleague, without the knowledge of the bishop, and likewise the presbytery of Kirkcaldy to Mr. John Gilfoyle's son to the church of the Wemyss, and the presbytery of Dumfries to one Mr. John Wier to the church of Morison, within two miles of Drumlanrig; and that they of Dumfermling have admitted Mr. Sa-

muel

" *mucl Row* (a minister banished from *Ire-1638.*
 " *land*) to be helper to *Mr. Henry MacGill*,
 " and they of *Ayr* *Mr. Robert Blair* to be
 " helper to *Mr. William Annand*; and that
 " the town of *Dumfries* have made choice of
 " *Mr. James Hamilton* to be their minister,
 " and the town of *Kirkcudbright* one *Mr. John*
 " *MacLellan*, all of them banished from *Ire-*
 " *land*; and *Mr. Samuel Rutherford* is returned
 " and settled in his place; and they intend to
 " depose *Mr. John Trotter*, minister at *Ditle-*
 " *ton* and how they intended to use the re-
 " gents.

" IV. That the council of *Edinburgh* have
 " made choice of *Mr. Alexander Henderson* to
 " be helper to *Mr. Andrew Ramsay*, and in-
 " tend to admit him without advice or con-
 " sent of the bishop.

" V. That the ministers of *Edinburgh*, who
 " have not subscribed the covenant, are daily
 " reviled and cursed to their faces, and their
 " stipends are withheld and not paid; and that
 " all ministers who have not subscribed are
 " in the same case and condition with them.

" VI. That they hound out rascally com-
 " mons on men who have not subscribed the
 " covenant, as *Mr. Samuel Cockburn* did one
 " *John Shaw* at *Leith*.

" VII. That his majesty would be pleased,
 " by his letters, to discharge the bishop of
 " *Edinburgh* to pay any prebend-fee to those
 " who have subscribed the covenant; as also,
 " by his royal letters, to discharge the lords
 " of session to grant any process against the
 " bishops for their fees.

T t

" VIII. That

1638. " VIII. That his majesty would be pleased
 " in the articles of agreement with the nobi-
 " lity, to see honest men, who shall happen
 " in this tumultuous time to be deposed from
 " their places, restored and settled in them,
 " and others that are violently thrust in re-
 " moved, and that the wrongs done to them
 " be repaired.

" IX. That, if it shall happen his majesty to
 " take any violent course for repressing these
 " tumults and disorders, (which God forbid)
 " that in that case their lordships would be
 " pleased to supplicate his majesty, that some
 " speedy course may be taken for securing of
 " the persons of those honest men, who stand
 " for God and his majesty.

Signed,

Da. Edin.

Ja. Dumblanen.

Ja. Lismoren.

Ja. Hanna.

Da. Mitchell.

Da. Fletcher.

These papers are inserted rather as contain-
 ing a variety of facts, than on account of any
 notice taken of them at this time; the court
 went on in their own way; and, first, a com-
 mission to the marquis was drawn up in the
 ordinary form, containing a power " to settle
 " the late disorders in that kingdom, and to
 " perform such other service concerning the
 " good of the kingdom as should be intrusted
 " by his majesty unto him, and to that effect
 " to convene his majesty's council at such
 " times and places as he pleased; and, with
 " their advice, to set down the means and
 " order to be followed for the premisses; and
 " also to do and perform, as well in council

" as

The
 of the
 Milton's
 commis-
 sion,
 Baillie,
 p. 294.

“ as out of the same, all and every thing in 1638.
 “ his majesty’s name which might tend to
 “ the effectuating of the trust of his present
 “ commission, and prosecuting thereof to the
 “ full and final end of the same, sikelike and
 “ as fully as if his majesty were present in
 “ his sacred person;” and which commission
 was to endure until it were expressly dis-
 charged,

Upon the 10th of *May* the king, by a let-
 ter to his privy-council, acquainted them with
 his commission to *Hamilton*, and ordered that
 all the members, bishops as well as others,
 should meet with his grace in council at *Dal-*
keith, *June 6.* and the marquis also wrote to
 almost all the nobility and gentry of note to
 meet him at *Haddington* the day preceeding.

Next, the king signed a declaration to be ^{Ibid. p.} published for the satisfaction of his subjects, ^{307.}
 which will fall more properly to be noticed
 afterwards; and at the same time his majesty
 gave instructions to his high commissioner,
 for regulating his procedure, as follows,

CHARLES R.

“ I. **B**EFORE you publish the declaration ^{The}
 “ which we have signed, you shall re- ^{king’s}
 “ quire all the council to sign it, and, if you ^{instruc-}
 “ find that it may conduce to our service, ^{tions to}
 “ you shall make all the council swear to give ^{him,}
 “ their best assistance in the execution of the ^{Burn.}
 “ same; but this of putting them to their ^{Mem.}
 “ oaths, we leave to your discretion, to do as ^{P. 59.}
 “ you shall find occasion; but, if you shall
 “ find it fit to put them to their oaths, those
 “ that

1638. " that refuse must be dismissed the council
" till our farther pleasure be known.

" II. We give you power to cause the council to sit in whatsoever place you shall find most convenient for our service, (*Edinburgh* only excepted) and to change the meeting thereof as often as occasion shall require.

" III. You may labour to prepare any of the refractory persons to conceive aright of our declaration before it be published, so that it be privately and underhand.

" IV. You are to get an act of council to pass, to declare, that this declaration of ours ought to free all honest subjects from the fears of innovations of religion or laws; but this you are not to propose publickly, except you be sure to carry it.

" V. If any protestation be made against our declaration, the protesters must be reputed rebels, and you are to labour to apprehend the chiefest of them.

" VI. If petitions be presented, to demand farther satisfaction than that we have already given by our declaration, you are to receive them, and to give them a bold negative, both in respect of the matter and the form, as being presented from a body which you are noways to acknowledge.

" VII. If it should be objected against the high commission, that it ought not to be introduced but by act of parliament, your answer must be, That we found it left us by our father, and therefor we mean to continue it, having first regulated it in such a way, that it shall be no just grievance to our subjects, or against our laws, and, when
" there

" there is a parliament, we shall be content 1638.

" that it be ratified as we shall now rectify ~

" it.

" VIII. If, after the limited time in our
" declaration, a body remain at *Edinburgh*, or
" elsewhere, you must raise what force you
" can to dissipate and bring them under our
" obedience.

" IX. As soon as the peace of the country
" will permit, you are to call a general assem-
" bly for settling of a constant and decent
" way for God's worship, we having resol-
" ved to call them, or to permit them to be,
" as often as occasion shall require, we like-
" wise intending to have a parliament to ra-
" tify what shall be condescended on at the
" assembly.

" X. You may say, the bishops shall impose
" no other oath upon ministers, at their admis-
" sion, but what is warranted by act of parlia-
" ment.

" XI. You are to give direction that the
" same service be used in our chapel-royal,
" that was before the enjoining of the service-
" book.

" XII. You must admit of no petition against
" the five articles of *Perth*, but for the pre-
" sent you are not to press the exact execu-
" tion of them.

" XIII. Whenever the town of *Edinburgh*
" shall depart from the covenant, and petition
" for our favour, we will that you bring back
" the council and session to it.

" XIV. You shall deny no pardons nor acts
" of council to any particular persons that
" shall desire the same for their security.

" XV. Some

1638, " XV. Some marks of favour we may be
 moved to give to particular persons that
 may deserve the same.

" XVI. All acts of council that enjoin the
 use of the new service-book are to be sus-
 pended, and to be of no force hereafter.

" XVII. You shall declare our pleasure to
 our two archbishops, (as soon as the coun-
 try is any way settled) that it is our
 pleasure, that every bishop shall live within
 his own diocese, except upon his own ur-
 gent occasions, or that he be commanded
 from us, or the council, to attend there for
 our service, which I intend as seldom as
 may be.

" XVIII. You shall refuse complaints against
 no man in particular, whether officers of
 state, councillors, or bishops, so that it be
 against their persons and not their places.

" XIX. All those ministers, who have been
 displaced by the seditious multitude, are to
 be (so soon as conveniently may be) re-
 possessed again as they were.

" XX. As for silenced ministers, you may
 connive at their preaching, if you find it
 may tend to the quieting of the coun-
 try.

" XXI. For the organs in the abbay-church,
 we leave them to your discretion when to
 be used, and to advertise me of your opi-
 nion.

" XXII. You are to cause insert six weeks,
 in our declaration, for the delivery up of
 the covenant, and, if you find cause, less.

" XXIII. You shall declare, that, if there be
 not sufficient strength within the kingdom

" to

" to force the refractory to obedience, power 1638.
 " shall come from *England*, and that myself
 " will come in person with them, being re-
 " solved to hazard my life rather than suffer
 " authority to be contemned.

" XXIV. If you shall find cause, you are to
 " raise a guard of 200, or more, to attend our
 " council.

" XXV. You may treat with the earl of
 " *Marr* for the keeping of our castles of *Edin-*
 " *burgh* and *Stirling*, and, for the present, he
 " must be charged with their safe custody.

" XXVI. You shall take seriously into con-
 " sideration the copper-coin, and declare our
 " willingness to remedy the evils that have
 " risen thereby, or what else the subjects
 " may justly complain of.

" XXVII. You may declare, that, as we ne-
 " ver intended to assume the nominating the
 " provost of our town of *Edinburgh*, so we
 " mean not by our too frequent letters to
 " hinder the free election of their own offi-
 " cers.

" XXVIII. You may likewise declare, (if
 " you find cause) that, as we never did, so, by
 " God's grace, we never shall stop the course
 " of justice by any private directions of ours,
 " but will leave our lords of session, and other
 " judges, to administer justice as they will be
 " answerable to God and us.

" If you cannot, by the means prescribed
 " by us, bring back the refractory and sedi-
 " tious to due obedience, we do not only
 " give you authority, but command all ho-
 " stile acts whatsoever to be used against them,
 " they having deserved to be used no other
 " way

1638. " way by us but as a rebellious people ; for
 " the doing whereof, we will not only save
 " you harmless, but account it as acceptable
 " service done us.
 " Such of these instructions as you shall
 " find cause, we give you leave to divulge and
 " make use of as you find our service shall re-
 " quire."

All Scots-
men sent
down be-
fore him,
Baillie,
345.
 Meantime the marquis would not stir from
 court until all his countrymen, who could be
 spared, were sent down before him, as well to
 prevent frustrating the design of his commis-
 sion by their advice in his absence, as that they
 might contribute to his majesty's service by
 their presence here. The lord treasurer, with
 the lord *Lorn* and the bishop of *Galloway*,
 were the first who came down, and were fol-
 lowed by *Morton*, *Linlithgow*, *Marr*, *Kelly*,
Kinnoul, *Haddington*, *Belhaven*, *Almont*, and o-
 thers, in such numbers, that the country, who
 knew nothing of the commissioner's design,
 was in hopes of a parliament presently.

The bi-
shops
hardly
prevailed
with to
come
down,
Ibid. p.
346.
 The bishops at court, with the president of
 the session and the clerk-register, were hardly
 drawn to comply with this resolution. All of
 them knew how unacceptable they were to
 their country, and several of them durst not
 appear there for fear of diligence; but though
 they offered to remove to the *Bath*, or re-
 side anywhere in *England* at a distance from
 court, no excuse could be sustained, but come
 down they must. *Canterbury*, says bishop
Burnet, said much and well on the subject;
 and adds Mr. *Baillie*, the chancellor, the pre-
 sident and register brought with them a pro-
 tection,

Mem.

p. 43.

Ibid.

Coll. p.

346.

tection, to prevent the execution of diligence 1638. against themselves and cautioners, their persons, lands or goods, until a pacification were obtained, and that Mr. Hanna, the dean of the chapel-royal, and the parsons of *Leith* and *Libberton*, had the favour of the like shield.

Much having been expected from this treaty, the deputies at *Edinburgh* advertised the other covenanters thro' *Scotland* to be in *Edinburgh* some days before the commissioner's coming; yet were they put in great fear by the rumours industriously spread abroad, that *Hamilton* was not to offer farther than the recalling of *the books* and limitation of the high commission, and that upon the condition (or rather command) that the covenanters should surrender all the copies of their subscribed covenant, and ly under the old danger of *Perth articles*, and the bishops unlimited power; and, if this was not accepted, they were threatened with a bloody onset by the *English* navy on the east coast, by an *Irish* army on the west, and by all the power that the three *Scots* marquisses, *Hamilton*, *Huntly* and *Douglas*, with the popish party and the north of *England*, could make; so that well might our author write, as at this time he did, to Mr. Spang, "We see great appearance of mischief, but in God is our great confidence, and we have resolved on a general fast the 3d of *June*." The country desired to come to Edinburgh, Ibid. p. 262.

Accordingly, upon the day set, that fast was generally observed over all the kingdom. Several who had not subscribed the covenant refused to join, but the humiliation of those who did was as remarkable as on any former occasion. This was especially the case in the college. A very solemn fast, Ibid. p. 350, 351.

1638. college-kirk at *Edinburgh*; there the preachers were Mr. *Samuel Rutherford*, Mr. *Robert Bailie*, and Mr. *Henry Rollock* the minister of the place; the congregation was exceeding great, and many of the nobles and gentry, being present, provoked the meaner sort, by their example, to abate themselves before God: And indeed (says our author) *that people's humiliation did even exceed my hope; may GOD have the praise.* Mr. Rollock, adds he, *is a man much more mortified than ever I thought to have seen him, and Mr. Rutherford excels all both for preaching and prayer.*

Ibid. p.
311.
Cove-
nanters
would
not at-
tend the
commis-
sioner,
Ibid. p.
296,
300,
351.

Their
reasons
for this.

Next day there was great reasoning amongst the deputies concerning their meeting the marquis at *Haddington*, as he had desired; and many would gladly have done him that pleasure, but *Roths* especially, and some others of note, reasoned strongly for forbearing attendance at that time, either upon the high commissioner, or others who were not joined in covenant with them, as exposing themselves to temptations, threatenings or allurements, as diminishing their number, and giving occasion of misinformation that the covenanters were not so considerable a party as they had given out, as increasing the appearance of their opposites, who had already imposed upon his majesty with false informations of their number, and as incompatible with their covenant, not to suffer themselves to be divided directly or indirectly; and so, in end, the meeting came to an agreement, that none of the covenanters should, without the concurrence of the rest, wait either upon the commissioner, or mix themselves with papists, prelates, or statesmen

men attending him, who had anyways shew-
ed themselves their party. With this resolu-
on the lords *Lauderdale* (or, as some say, *Low-
down*) and *Lindsay*, were appointed to acquaint
his grace, who was much disoblged there-
with; but *Roths*, having been sent on a second
deputation to him, did greatly allay his heat.

Some days before this there fell out an ac-
cident which occasioned great misunderstand-
ing. The castle of *Edinburgh*, having been in
want both of arms and ammunition, the lord
treasurer had agreed with *Patrick Wood* mer-
chant in *Edinburgh* to supply the same; and
he having, in a ship belonging to *Leith*,
brought in above sixty great barrels of powder,
some hundreds of pikes, and several chests
full of muskets and matches, the lord trea-
surer caused lay them up in the house of *Dal-
keith*. This affair being conducted with all
possible secrecy, and happening immedi-
ately before the meeting intended there,
raised a strong suspicion of violent designs a-
gainst the covenanters; whereupon Mr. *Wood's*
credit was much called in question, every one
who had any demands upon him exacted
them, and it was not without great difficulty
that his friends got him supported; and so
hard did that matter bear upon *Traquair*, that,
to allay the covenanters indignation against
him, he came to *Edinburgh*, and there, before
Roths, *Lorn* and *Lowdown*, he purged himself,
upon oath, of any such wicked design, as that
of blowing up the covenanters, but confessed,
that, it having been laid upon him to provide
the castle of *Edinburgh* with arms and ammu-
nition, he thought proper, upon a surmise
that

1638.

The
court
prepare
for ho-
stility,
Ibid. p.
352,
353.

1638. that the covenanters intended to seize the same, to cause them be landed at *Fisberraw*, and carried to *Dalkeith*, as the nearest place of security, till a fit opportunity offered for transporting them to *Edinburgh*.

Tre-
quair's
excuse
aug-
mented
their
jealou-
sies,
Ibid. p.
353.

This acknowledgment helped the matter very little; for, though it could have been believed that the covenanters first suspicion was groundless, they conceived that they had now sufficient evidence, from the lord treasurer's own mouth, of hostile designs against them; and their fears were augmented with the news which they received, that the commissioner, in his way through *Northumberland*, had directed the sheriffs to have their trained bands in readiness, and that, since that time, they had already been several times mustered; so the lord *Lindsay* was sent to find out, among other things, what was his grace's part in those preparations; and both the marquis and *Lindsay* having carried the matter a little too high, the marquis avowing, that, unless the covenanters were yielding, the king would correct their insolence, and the other justifying the equity of their demands with some warmth, the deputies became the more distrustful of the court, as meaning some other thing than a safe and comfortable treaty; and their jealousies were heightened by new reports spread abroad, as if *Huntley*, *Harries*, *Abercorn* and *Winton*, were to come to town with all the forces they could raise, under the pretence of supporting the king's interest there: Wherefor the gentry, with the citizens of *Edinburgh*, began avowedly to set guards upon the castle, to prevent its being reinforced, or supplied

Ibid. p.
354.

and they
set a
blockade
on the
castle,

plied with any thing more than the necessary 1638.
provision of the garrison there.

This watch was much spoken of as the first of the covenanters illegal actions, and, since that time, some of the *English* historians assert, that, at the time the *Scots* blockaded the castle of *Edinburgh*, they received two ships laden with arms for their service: But, as all our *Scots* authors whom we have seen, even the bishops *Guthrie* and *Burnet*, who shew all inclination to have told whatever could militate against the covenanters, are silent upon this latter fact, that foreign importation must go for nothing: And for the vindication of our countrymen in the other particular it was answered, that, for the body of a kingdom or commonwealth to defend themselves in the evident danger of their religion, liberties and laws, was warranted by the laws of God, of nature and of nations, and particularly by the law and practice of our nation approved by several acts of parliament; and, if this were granted, it could not be denied that all things simply necessary for such innocent defence were alike legal, and, in this view, the preventing that castle from being put in a condition to destroy the metropolis of the nation, the only convenient place of their meeting, and the chief sinew of their union and strength, was justified by the friends of the reformation, especially as the covenanters kept strictly upon the defensive.

We took notice formerly that the privy-council were warned to attend the high commissioner, and assist him with their advice; accordingly, against the time perfix'd, the council

which
was com-
plained
of,
Strype's
Annals
and *Ra-*
pin,

but vin-
dicated,
Boiler,
P. 355.

A meet-
ing of
council.

1638. council met at *Dalkeith*, where the archbishop of *St. Andrews* sat with the seals, or, as some said, with the marquis's commission hanging in a bag about his neck, in imitation of the lord keeper of *England* when the king is present; at which time also the marquis of *Huntly* and the other supporters of episcopacy were present, but no business was done there, only the lord-commissioner did inform himself as fully as he could concerning the present business; and yet he was at a loss even in that respect, the earls of *Traquair*, *Roxburgh* and *Southeish* being, says bishop *Burnet*, the only men well affected to the king's measures.

Mem.
D. of
Hamilton,
P. 53.

The ministers
beseech
them to
take the
cove-
nant.

Ibid. p.
277,
356.

At this time, says the same author, the more violent amongst the covenanters threatened that they would force the lord commissioner, with the lords of privy-council and of the session, to take the covenant; but the only occasion for this report, according to Mr. *Baillie*, was, that the deputies for the ministers served each of the nobles who were attending the council, with the copy of a humble petition, penned by Mr. *David Dickson*, intreating them in the most patherick terms to subscribe the covenant. This paper, which hath been several times printed, was indeed well calculated for exciting the councillors to concur, nor had it the smallest appearance of force, and yet the only answer it met with, was a smooth excuse; the council had no such intention, their great aim was a meeting with the covenanters, and how to obtain this in a way agreeable to the commissioner's honour was their present difficulty,

ty. The deputies for the covenanters would not go to *Dalkeith* to treat, both because of the hazard they were exposed to by the warlike stores brought thither, and that their numbers could not be accommodated with lodgings and provisions in a place already crouded with courtiers and their attendants; nor would the lord commissioner yield to come to *Holy-rood-house*, unless he were solemnly met, and the watch removed from the castle. With the first part of this motion the covenanters chearfully yielded, but would not to the other, till *Haddington*, *Soutbesk* and *Lorn*, who mediated betwixt parties, gave their word of honour, that no ammunition, nor even provisions, except for daily use, should be brought into the castle during the treaty. This parole did however disoblige the commissioner, as bewraying a distrust of him; whereupon the guards were doubled, and the marquis advertised the king to hasten his preparations for teaching them their duty by force; but, upon a renewed application from the city, he consented to come in, and to please his grace, the lord *Lorn* took it upon him to discharge that watch without any condition; to which the covenanters agreed, only they kept a private watch, which some thought might have sufficiently answered their end from the beginning.

In the commissioner's way to *Holy-rood-house*, June 8th or 9th, almost as great compliment was paid to his grace as could have been given to the sovereign himself; for, having taken the links of *Leith* in his way, he was there met by the covenanters, to the number of about

1638.

Covenanters would not treat at *Dalkeith*, nor the commissioner at *Edinburgh*, Ibid. p. 355.

The blockade taken off, Ibid. p. 356. and *Burnet's* mem. p. 54.

The commissioner comes to *Edinburgh*, and is greatly complimented about

1638. about 20,000, amongst whom were above 500, some say about 700 ministers, beside almost an infinite number of women and children, and by the town-council, citizens and inhabitants of *Edinburgh*, at the *Water-gate*, all crying earnestly for the safety of their religion and liberties, and, amongst the rest, the ministers, in black cloaks, were conspicuously placed on the side of a rising ground, and had appointed Mr. *William Livingston* at *Lanerk*, a man of a strong voice and venerable countenance, to give him a short welcome. But, though his grace was moved with the humble cries of the multitude, even to tears, yet, upon a surmise by doctor *Balcanqual*, who attended him, that they intended some invectives against the bishops, he excused himself, saying, that harangues in the field were above his place, and only becoming princes: However, four of the ministers, in name of the whole, were next day allowed a private hearing, when Mr. *Livingston*, as their mouth, did make the following speech.

Mr. *Livingston's*
speech,
ibid. p.
274.

" May it please your grace,

" We the servants of the son of God, and
" preachers of that peace that passeth all understanding, being sensible of the fearful
" wrath of God that justly pursues this land
" for our sins, and the sins of the people,
" wherethrough our kirk is rent by schism
" and division, which is like to consume all
" if it be not suddenly quenched, having
" for remeid of these evils, humbled ourselves before God, renewed our covenant
" with him, and made our supplications to
" the king's majesty, do give your grace an
hearty

“ hearty welcome, as his majesty’s commis- 1638.
“ sioner, and the messenger of the God of
“ heaven, by whose blessing your grace may
“ be an happy instrument for doing one of
“ the best works that can be done in the
“ earth, for the honour of God, contentment
“ of the king, good of our kirk, peace of our
“ kingdom, and joy of all the reformed
“ churches, as having power in your hands
“ from his majesty to quench this fire, cut
“ away the occasions of division, purge the
“ house of God, minister justice, and give
“ satisfaction to grieved souls, according to
“ their supplications, whereby your grace
“ shall shew a worthy proof of a worthy pa-
“ triot, a faithful counsellor, a good chri-
“ stian, and a compassionate member of our
“ mother church, mourning under manifold
“ miseries, and shall reap the fruit of a sweet
“ remembrance in after ages, and of a mar-
“ vellous peace and strong consolation when
“ it comes to the breaking of the eye-strings,
“ and giving the last gasp, (for who lives and
“ shall not see death?) when all the pleasures
“ and honours of the world shall stand in no
“ stead: And this we and our people expect
“ at your grace’s hand, and humbly and hear-
“ tily crave in his name who shall judge the
“ quick and the dead.”

For several days there was little heard of
but mutual compliments passing between
the lord commissioner and the heads of the
covenanters, and of great pains taken on both
hands to procure information of the other’s
motions and designs. Some stratagems were
used to expiscate from the commissioner a

Mutual
compliments.

Inquiry
and
grounds
of alter-
cation.

1638. declaration of his powers, and his grace again would by turns cajol or threaten the covenanters, as he thought fittest for his purpose, and best calculated for gaining those of them who waited upon him: But neither of them obtained any advantage by these means; for, when the commissioner urged that the laws made for forty years past were in force against the covenanters, this confirmed their belief that no treaty for the better was intended; and they observed, that those laws were made upon the ruins of our re-forming laws; that they were rather ob-truded by craft and violence, than by the consent of the nation; that they were de-structive to religion and subversive of true li-berty, and were therefore the chief causes of their complaints, and what ought to be an-nulled. Again, when his grace hinted that the books of canons and liturgy, &c. should be discharged, &c. on condition the cove-nanters would give up with their covenant, this did exceedingly displease all, and it served only to make them the more desperate, and at greater pains to support and vindicate that solemn deed.

Wherefor the celebrated Mr. *Henderson* was set to work, and, in a short space, the publick were favoured with reasons why the covenanters could upon no terms pass from any part of their covenant. Of this paper we have seen printed copies, but as they are rare and as the covenanters aversion to that demand might otherways be constructed as proceeding from obstinacy and ill nature,

we shall, in justice to their memory and 1638.
cause, subjoin a copy of these.

REASONS against the rendering of our sworn
and subscribed CONFESSION OF FAITH.

" I. IF we should render our subscribed *Bailie, p.*
" covenant, we cannot be free of the 279.
" great guilt of perjury before God; for,
" as we were drawn by necessity to enter in-
" to a mutual union and conjunction a-
" mongst ourselves, so are we bound, not
" only by the laws of God and nature, but by
" our solemn oath and subscription against all
" dangerous or divisive motions, by all lawful
" means to promote and observe the same
" without violation, and not suffer ourselves,
" by whatsoever suggestion, allurements or
" terror, directly or indirectly, to be divided
" or drawn from it; and it is too manifest, that
" no motion can be more divisive upon the one
" side, nor can we, upon the other part, more
" directly give way to division, than willingly,
" and with our own consent, to render the
" bond of our union and conjunction to be
" destroyed, that no testimony thereof may
" be any more extant.

" II. We should distinguish (except we would
" deceive ourselves) between *res jurata*, that
" which is sworn, and *juratio*, or, swearing
" thereof; for, although all the general and
" particular points, contained in our subscri-
" bed covenant, were to be insert in another
" covenant to be made by the express com-
" mand of authority, yet to render our sworn
" confession were both to pass from our swear-
" ing

1638. *ing thereof, ac si res esset integra*, as if we
 " had never sworn or subscribed, and also to
 " destroy that which we have been doing, as a
 " thing unlawful, and to be repented of. If
 " were not only to make our oath to be no
 " oath, our subscription no subscription, and
 " our testimony no testimony, but really to
 " acknowledge and confess ourselves in this,
 " to have been transgressors, so that we can
 " neither claim any right to the promise of
 " God, nor think ourselves obliged in any duty
 " to God by virtue of that oath. It must ever
 " be remembered that oaths and perjuries are
 " multiplied, not only according to the diver-
 " sity of the things that are sworn, but accord-
 " ing to the swearing of the same thing at di-
 " vers times: So oft as we swear and sub-
 " scribe the same things, by so many oaths
 " and obligations are we bound to God, and
 " consequently the rendering of our subscrip-
 " tion the renouncing of that undividable
 " bond and obligation, although possibly, by
 " another, we may stand bound or sworn.

" III. Our voluntary renewing of our co-
 " venant with God carrieth greater evidence
 " of a free service to God, than if it had been
 " done by expresse commandment of autho-
 " rity, because the power of God making his
 " people so willing, the readiness and sincer-
 " ity of the people is so much the more
 " manifest: Like as the Lord from heaven hath
 " testified his acceptance, by the wonderful
 " workings of his spirit in the hearts of both
 " pastors and people, to their great comfort
 " and strengthening in every duty, above any
 " measure that ever hath been heard of in
 " this

“ this land; and therefor, to give any token 1638.
“ of recalling the same were unthankfully to
“ disregard the work of God, and to quit all
“ the comforts and corroborations that the
“ people of God have, to their great joy, ex-
“ perienced at this time.

“ IV. We have declared, before God and
“ the world, that this our covenant, as it now
“ standeth, sworn and subscribed, is lawful
“ and necessary; that it is done in obedience to
“ the commandment of God, conform to the
“ practice of the godly, and according to the
“ laudable example of our religious progeni-
“ tors, who, by the like oath, have obliged us
“ to the substance and tenor of this; and
“ therefor, if we should now, by rendering
“ our covenant, undo that which we have
“ done, we should deny the commandment
“ of God, condemn the examples in scripture,
“ and the practices in this church, and pre-
“ condemn all like commendable courses
“ to be taken by posterity in the like exi-
“ gence.

“ V. No covenant in things civil can be al-
“ tered or rescinded without consent of the
“ parties with whom it is made; but our co-
“ venant is a religious covenant, made with
“ God amongst ourselves, and therefor cannot
“ be rendered without the expresse consent of
“ the meanest of all the subscribers, who just-
“ ly, for their comfort, may crave of us all
“ the benefit and performance thereof.

“ VI. There is no appearance that such as
“ affect the prelates and their courses will be
“ moved to swear and subscribe all the parts
“ of this covenant, although required by a
“ new

1638. " new command, as, for instance, to labour
 " by all means to recover the former purity
 " and liberty of the gospel as it was established
 " and professed before the novations already
 " introduced, or to declare that they undoubt-
 " edly do believe that the innovations and e-
 " vils, contained in our supplications, com-
 " plaints, and protestations, are abjured in the
 " *Confession of Faith*, as well as other heads of
 " popery expressly contained therein.

" VII. Although all the points of the
 " subscribed covenant were ratified by act
 " of parliament, yet could we not render
 " the same, because acts of parliament are
 " changeable, and of the nature of a civil ra-
 " tification; and it is necessary that this our
 " oath, being a religious and perpetual obliga-
 " tion, should stand in vigour, for the more
 " firm establishing of religion in our own
 " time, and in the generations following.

" VIII. All the world would justly wonder
 " at our inconstancy, and our enemies, who in
 " their insolency are ready to insult over us on
 " the least occasion, would not cease to mock
 " and traduce us as perjured covenant-break-
 " ers, and troublers of the peace of the church
 " and kingdom without any necessary cause.

" IX. Although we do not compare the
 " scriptures of God with a written *Confession of*
 " *Faith*, yet, as the rendering of the Bible
 " was the sin of the *Traditors* of old, and a
 " sign of the denial of the truth contained
 " therein, so the rendering of our *Confession*
 " *of Faith*, so solemnly sworn and subscribed
 " for staying the course of defection, and for
 " barring of popery and all other corruptions
 " of

" of religion, could be interpreted to be no 1638.
 " less than a real denial of our faith before
 " men, in a time when God calleth for the
 " confession thereof.

" X. Many fair promises have been made
 " for not urging of articles already concluded,
 " and for not troubling us with any farther
 " novations, (which, being believed, have in-
 " snared many, and drawn them on to do
 " that which otherways they would not
 " have done) all which promises have been
 " broken and denied when the performance
 " was craved; and why shall we not expect
 " the like in this case, especially where the
 " challenge will be found to be more hard and
 " difficult?"

OBJECTIONS answered.

' *Obj. 1.* It may be objected, that the *Con-
 fession of Faith*, being confirmed by the king's
 ' authority, were much to be preferred to this,
 ' which seemeth to have no expresse com-
 ' mandment.

' *Ans. 1.* Our covenant wanteth not the
 ' warrant, civil and ecclesiastical, which au-
 ' thorised the former covenant. 2. Although
 ' rash and unadvised oaths be unlawful, yet
 ' voluntary covenanting with God, is more
 ' free service to God as hath been said before,
 ' than that which is commanded by authority.
 ' 3. We ought not to do evil that good may
 ' come of it, and must resolve to chuse afflic-
 ' tion rather than iniquity.

' *Obj. 2.* The rendering of the whole co-
 ' pies of the subscribed covenant were a rea-
 ' sonable way to show our loyalty " dy

1638. only mean to remove all fears of the king's
wrath against the subscribers. *Ans.* 1. It is more fearful to fall into the

hands of the living God. 2. They wrong
the king who threatens his good subjects
with his wrath, for covenanting with God
in defence of religion and of his majesty's
person and authority. 3. It were more
righteous with God to turn his majesty's
heart and hand against us for dealing thus
indecently in his covenant. *Obj.* 3. If this be not granted, his majesty

will grant neither assembly nor parliament
for establishing religion, and settling the
peace of the kirk and kingdom.

Ans. 1. The good providence of God, so
visible in this whole work from the begin-
ning, will incline the heart of so just and
gracious a king to deal more kindly and be-
nignly with his good subjects. 2. We have
law, reason and custom for craving and ex-
pecting of these lawful remedies of the
grievances and fears of the whole church
and country. *Obj.* 4. The end of our making of our co-

venant was, that we might be delivered from
the innovations of religion, which being
obtained, our covenant should cease, as ha-
ving no farther use.

Ans. 1. As acts of parliament against pope-
ry did not supersede the necessity of our for-
mer *Confession of Faith* when popery was ab-
jured, so acts of parliament to be made a-
gainst these innovations cannot make our
covenant to be unprofitable. 2. Although
the innovations of religion were the occasion

“ of

of the making of this covenant, yet our intention was against these, and all other innovations and corruptions, to establish religion by an everlasting covenant never to be forgotten.

Nevertheless, at the lord commissioner's desire, the multitude were willing to retire to their respective places of abode, upon his grace's consent that they should leave deputies at *Edinburgh* to treat with him in their name.

The first thing which those deputies did, was to draw up a supplication to the lord commissioner, wherein they set forth, that the manifold just grievances contained in their supplications, and complaints, &c. to the sovereign, being remitted to his grace for a remedy, had moved them to wait for a declaration of his majesty's pleasure; and, as they had been continued till his grace convened the lords of privy-council, now that the council had met, and their condition required dispatch, they humbly desired a free general assembly and parliament, as the only mean that could redress the great disorders of church and state, daily growing worse by delay, restore the purity of God's worship, preserve the perfection of his majesty's obedience, establish the peace of the church and kingdom, and procure great respect to his grace from them all.

And, to make way for a ready answer to this supplication, the petitioners spread abroad a paper, purposely that it might come into the hands of the courtiers, containing articles

The covenanters leave deputies,

who supplicate the commissioner.

A stratagem for procuring a favorable answer.

1638. of the following import, to be advised, upon supposition that force should be used, or their patience wearied out with delays. (1.) Seeing the grievances complained of do concern the whole kingdom, the remedies ought to be publick and of as large extent, and must secure against the like in time coming. (2.) A free general assembly and parliament are only able to produce so good effects. (3.) That the bishops could not be their judges until they were lawfully tried and purged of the crimes laid to their charge. (4.) If delays were used, it was desired that advice might be sought concerning the power of calling a general assembly, how they should in the mean time behave with respect to controverted points, and that some lawful course might be thought upon how justice might have free course and frauds be prevented. And, (5.) if violence were used for enforcing obedience, that a committee should be chosen to consider what was fit and lawful to be done for the defence of their religion, laws and liberties.

The
commissioner's
behaviour.

It was thought this half boast disposed the commissioner to receive the petition in better part; he promised an answer to it in a few days thereafter, and, in the interim, he heard Mr. *Alexander Henderson* preach, and conferred with him in private concerning the state of matters, which wanted not the desired effect of soothing the covenanters into a belief of his good affection to them. Notwithstanding, when, at the time set by the lord commissioner, deputies were sent from the covenanters, to learn his grace's pleasure concerning their supplication, his lordship told them,

them, that the only answer he could give 1638.
 them, was to proclaim his majesty's declara-
 tion; but the deputies knowing, that any
 thing that was granted therein would be far
 from satisfying their constituents, replied,
 that, if his grace caused that declaration
 to be proclaimed, they would, for preserv-
 ing the legality of their after meetings, be
 constrained to protest for the following rea-
 sons.

he offers
 to pro-
 claim the
 royal
 pleasure,

And the
 deputies
 resolve
 to pro-
 test.

“ 1. A protestation is a most ordinary, Their
 “ humble and legal way of obviating any Reasons.
 “ prejudice may redound by any other legal
 “ act of preserving our right, permitted to the
 “ meanest of the subjects in the highest courts,
 “ in assemblies and parliaments, wheresoever
 “ they are not fully heard, or, being heard,
 “ are grieved by any iniquity in the sentence
 “ which is granted by the law of nature and
 “ nations, and is the perpetual custom of this
 “ kingdom to protest in favours of all par-
 “ ties having interest, and not heard, by an
 “ express act, *salvo jure cujuslibet*, even a-
 “ gainst the acts of parliament.

“ 2. Our not protesting now were a con-
 “ demning of that legal course used by our
 “ predecessors, both in the assembly and par-
 “ liament, in the beginning of the former
 “ period of defection, and used by ourselves
 “ against former proclamations.

“ 3. It were a sliding back from our testi-
 “ mony, and a real relinquishing of the cause,
 “ giving just occasion of discouragement to
 “ all, especially the weaker sort; when, on
 “ the contrary, experience shews, that many
 were

1638. "were encouraged by these former protesta-
 tions.

"4. It were a tacit consent, and token of
 our satisfaction with what is declared, and
 of our passing from the rest, and resting
 content with that manner of granting by
 proclamation, any of our desires, and a
 quitting of the only sufficient remedy, viz.
 an assembly and parliament.

"5. Our protesting together were an a-
 vouching of our confession of faith before
 God, and of our bond of inviolable union
 and conjunction amongst ourselves, which
 we are by all lawful means to maintain and
 promote, and so by this to obviate all
 motions of division, which is mainly in-
 tended by the partial offers and threatenings
 contained in the proclamation: It is dutiful
 for warning of the king and his commis-
 sioner of our desires, and the lawful remedy
 thereof, the benefits of granting them, and
 evil consequences of refusing them; it is a
 sensible exoneration of us before foreign
 nations, a legal introduction to our lawful
 defences, *cum moderamine inculpatæ tutelæ*,
 and the most necessary preface to such after
 declaration as may be extorted from us by
 extreme necessity.

"6. It is a publick thanking of the king's ma-
 jesty for his publick favour in points granted,
 and the most legal way in this great exigence,
 when we have declined the council, and are
 not satisfied with the declaration of his will
 from his commissioner, to preserve our re-
 course and immediate address to his ma-
 jesty

"jesty himself, by new supplications and 1638.
"remonstrances."

These reasons could not however divert the lord commissioner from making the proclamation, but rather incited his resentment; he let the covenanters know, that in this he would see his royal master obeyed, that he would come up to the cross in support of the Lyon-heralds, and, if they should protest, he would denounce them all rebels. Accordingly, in two days thereafter, the lord treasurer, by order of his grace, came up the street, sent for the Lyon-heralds, and caused sweep the cross for the hangings, in order to the publishing of that declaration. This being perceived, the covenanters were resolved not to be behind in what they judged incumbent on them: Some thousands of gentlemen and chief burghesses convened in a trice at the cross, all with their swords hanging loose in their arms, in case of any sudden attack upon them; and a scaffold was made for the earl of *Cassilis*, the laird of *Durie*, Mr. *William Livingston* and Mr. *John Smith*, to have protested against that proclamation in the name of their respective tables. When this dangerous resolution was perceived, the heralds were ordered to prepare horses, in order, as was supposed, to have made that proclamation in other boroughs, whereupon certain of the covenanters were also ordered to attend them, and directions given for their conduct in protesting against that declaration in every place where it was expected to be made.

The commissioner receiving so full persuasion of the covenanters firmness, and fearing
lest falls

These reasons provoked the commissioner, but the covenanters acted up to them, Ibid. p. 360.

The commissioner lest falls

1638. lest the affronting of his majesty, by a protestation against the proclamation of his royal pleasure, should have bad consequences, he was advised to desist from his resolution at that time; and, as if he meant still to be in earnest for a peaceable treaty, he desired the earls of *Traquair* and *Southesk*, with the lord *Lorn*, to assure the covenanters of his willingness that their demands for an assembly and parliament should be granted, on condition they satisfied some scruples concerning the covenant, which these nobles should propound to them. And with these the earls of *Rothes* and *Montrose*, with the lord *Lowdown*, were appointed to correspond.

from his resolution, and names some to converse with the covenanters.

Rothes, &c. named for the covenanters, Ibid. p. 362.

The chief scruple against the covenant

taken to advisement.

The scruple was proponed in writ to this effect; 'His majesty may conceive, that the confession is so general in the clause of mutual defence, that it may not only contain a defence for religion, his majesty's person and authority, and the liberties and laws of the kingdom, but also a combination for defending of delinquents against authority and law, even in other cases than those above named.' The deputies for the covenanters took that matter to advisement; and having communicated the same to their constituents, it was at each of the tables reasoned upon, whether it were necessary to draw up a humble remonstrance to explain their dutiful intention in the clause controverted. The nobles and gentry had a long dispute concerning it, many having been of opinion, that such remonstrances were dangerous, likely to occasion delays, and lead into snares; yet at length it was yielded, that that clause should be

be sufficiently cleared in a new supplication, 1638. providing they were not farther incumbered with new interrogatories, and so all did agree in a new supplication to the lord commissioner, which was presented to him upon the 25th of June. — “ In it they remonstrated to his grace, and declared before God and men, “ that they were heartily grieved and sorry “ that any good man, and most of all that “ their sovereign should so conceive of their doings; that they were so far from any “ thought of withdrawing themselves from “ their dutiful subjection and obedience to “ his majesty’s government, that they had “ no intention or desire to attempt any “ thing that might tend to the dishonour of “ God, or to the diminution of the king’s “ greatness and authority; but, on the contrary, they acknowledge their quietness, “ stability and happiness depended upon the “ safety of the king’s majesty, as upon God’s “ vicegerent set over them for maintenance “ of religion and administration of justice; “ that they had solemnly engaged, not only “ their mutual concurrence and assistance for “ the cause of religion, but also to the utmost “ of their power, with their means and lives, to “ stand to the defence of their dread sovereign “ his person and authority, as well as the preservation and defence of true religion, laws “ and liberties of the kingdom; and therefore “ they did most humbly beseech his grace to “ esteem their *Confession of Faith* and *Covenant* to have been intended, and to be the “ largest testimony they could give of their “ fidelity to God and loyalty to their king; “ and

and answered in a remonstrance, Ibid. p. 305, 363.

1638. "and that hinderance being removed, they
 "do again supplicate for a free assembly and
 "parliament to redress all their grievances,
 "settle the peace of the church and kingdom,
 "and procure that chearful obedience which
 "ought to be rendered to his majesty, carry-
 "ing with it the offer of their fortunes, and
 "best endeavours for his majesty's honor
 "and happiness, and a real testimony of their
 "thankfulness; and conclude with their hear-
 "ty prayers to God, that his majesty might
 "long and prosperously reign over them."

The
 commis-
 sioner
 preten-
 ding to
 be dissa-
 tisfied
 with it,
 resolves
 on a
 journey
 to court,
 Ibid. p.
 363.

Against this supplication the lord commis-
 sioner said little, only he told them, that as
 whatsoever he had in his instructions could not
 satisfy them, so neither could all that they had
 said content his royal master; yet, that he
 might not leave the matter desperate, he in-
 formed them of his resolution to ride post to
 court, to see if, by himself, he might give
 better information in person, than he had
 done by his missives, and trusted he should re-
 turn shortly with more full instructions. With
 this overture all were well pleased (for as yet
 they suspected not that his only design was to
 save time till his majesty's preparations were
 in readiness) and they intreated his grace ear-
 nestly to agent their cause with the king up-
 on the subject of the following articles.

The co-
 venan-
 ters in-
 treat his
 good of-
 fices
 with the
 king.

1. To insist for a free general assembly
 and parliament, as the only lawful means to
 redress the present great evils, prevent the
 like, and settle the peace of this church and
 state.

2. To assign a short time for the commissio-
 ner's return, and, if he kept it not, that they
 might

‘ might be excused to take it for a denial of 1638,
‘ their desires.

‘ 3. That no alteration be made here, nor
‘ the cause in any sort hurt by proclamation,
‘ or otherwise, till the commissioner’s re-
‘ turn.

‘ 4. That, in the mean time, no strengths
‘ be fortified, castles munitioned, ships stop-
‘ ped, nor necessary commodities intercepted.

‘ 5. That none of the bishops repair to
‘ court; and, if any of them be called for,
‘ that they return precisely against the com-
‘ missioner’s down-coming.

‘ 6. That the service-book and practice of
‘ all other innovations shall be left off in the
‘ mean time.’

While the covenanters were in expectation of the lord commissioner’s departure, behold new and unexpected stirs arose. Upon the last day of *June* his grace came up to the cross of *Edinburgh*, and, being prepared for a proclamation, the covenanters assembled in great haste to protest, if need so required; but, beside all mens expectation, it proved only a restitution of the court of session to *Edinburgh* during the king’s pleasure. This favour not having been sought, nor looked for at that time, was received with small acknowledgments of gratitude, and so much the less as the only reason assigned for it was the want of accommodation in all the other places where it had been ordered to sit.

Next day, being *Sabbath*, his grace set out on his journey, and at *Tranent* heard sermon; yet the day following, as if new instructions had been brought to him from court, he re-

Z z

turned

The
courts
restored
to *Edin-
burgh*,
Ibid. p.
368.

The
commis-
sioner
causes
proclaim
the
king’s
will,
Ibid. p.
369.

1638. turned to *Holy-rood-house*, and, on *Wednesday* the 4th of *July*, he caused publish a declaration in his majesty's name, bearing date at *Greenwich* the 28th of *June* 1638. This declaration is recorded at length in his majesty's book, intituled, *A large declaration*, and by most of the historians of that time; what follows is the most material part of the same, and shews wherein consisted the king's condescension.

The
material
part of
it.
Ibid. p.
397.

‘ And, for farther clearing of scruples, we
‘ do hereby assure all men, That we will nei-
‘ ther now, nor hereafter, press the practice
‘ of the service-book, or the foresaid canons,
‘ nor any thing of that nature, but in such a
‘ fair and legal way as shall satisfy all our loving
‘ subjects, that we neither intend innovations
‘ in religion or laws, and to this effect have
‘ given order to discharge all acts of council
‘ made thereanent; and for the high-com-
‘ mission, we shall so rectify it, *with the help*
‘ *of our privy-council*, that it shall never impugn
‘ the laws, nor be a just grievance to our loyal
‘ subjects; and what is farther fitting to be a-
‘ gitated in general assemblies and parliament,
‘ for the good and peace of the kirk, and
‘ peaceable government of the same, in esta-
‘ blishing of the religion *at present professed*, shall
‘ likewise be taken into our royal considera-
‘ tion in a free assembly and parliament, which
‘ shall be indicted and called with our first con-
‘ veniency.’

Observa-
tions up-
on it.

This declaration, supposed to have been drawn up here, notwithstanding of its bearing date elsewhere, and intended, as was thought, for a stolen march upon the covenanters, who,

who, upon the lord commissioner's departure, 1638. rested secure, and were partly gone home till his grace should return, was different from that which the commissioner brought with him at his first coming; for all the concessions in the former proceeded (as the reader may see from the copy of it in Dr. Burnet's Memoirs of *James* and *William* dukes of *Hamilton*) upon the supposition of their surrendering the national confession or covenant; but now the marquis, being persuaded that this surrender was not to be expected, he supposed he could amuse them with the above declaration; but tho' it was indeed less exceptionable than the other, yet it contained so many restrictions and ambiguous expressions, that, so soon as it was proclaimed at the market-cross of *Edinburgh*, the tables caused an answer, in form of a protestation, to be publicly read in the same place by Mr. *Archibald Johnston* advocate; and thereupon *John* earl of *Cassilis*, in name of the noblemen, Mr. *Alexander Gibson*, the younger of *Durie*, advocate, in name of the barons, *James Fletcher* provost of *Dundee*, in name of the burgeses, Mr. *John Ker* minister at *Prestonpans*, in name of the ministers, and the said Mr. *Archibald Johnston*, in name of all others who adhered to the covenant, took instruments in the hands of three notaries, present at the said market-cross, being accompanied with great numbers of noblemen, barons, gentlemen, ministers, burgeses and commons, before many hundreds of witnesses; and, in token of their dutiful respect to his majesty, confidence of the equity of their cause, and innocence of their carriage,

answered
by a pro-
testation.

1638. carriage, and hope of his majesty's gracious
 acceptance, they, in all humility, offered a co-
 py of the same to the herald.

This protestation being a long paper, it ha-
 ving also been printed by itself, and in the
Large Declaration, p. 98. *Rushworth's Collections*,
 vol. II. page 756. &c. and the substance there-
 of being exhausted in the reasons against rati-
 fying the same in council, which will fall to
 be inserted presently, we shall not swell this
 narrative with the copy of it.

A mo-
 tion for
 appro-
 ving the
 procla-
 mation
 in coun-
 cil-

For the same day, the covenanters hearing
 that the privy-council were solicited to approve
 that proclamation, they served each of the
 lords with a copy of the following paper.

Reasons
 against
 this.

*Some few of the many REASONS for which
 the proclamation, published the 4th of July,
 should not be ratified in council.*

Reasons
 against
 this.

Boillie,
 p. 311,

" I. It does neither disallow nor discharge the
 " service-book and book of canons, nor any
 " other of the innovations and evils com-
 " plained of, but, on the contrary, confirms
 " the proclamation the 19th of February,
 " which importeth, that the service-book is a
 " ready mean to maintain the true religion
 " already professed, and to beat out all su-
 " perstition, &c. and directly beareth in it-
 " self, that the said books may be pressed in a
 " fair and legal way; so that the prelates and
 " their followers may practise the same, and
 " they may be used as the only form of
 " God's worship in this kingdom.

" II. It doth not abolish, as we hoped, the
 " court of the high-commission, but rather,
 " by

“ by promising to rectify it with the advice 1638.
 “ of the council, doth establish the same, con-
 “ trary to the laws of this kingdom, against
 “ which, as well other judicatories as laws
 “ may be established, with the like reason,
 “ without authority of parliament.

“ III. It grants not one of all our desires,
 “ nor doth so much as make mention of our
 “ humble supplications, but, on the contrary,
 “ doth condemn all our lawful proceedings as
 “ great disorders, justly deserving some severe
 “ execution from his majesty’s power, and
 “ as running headlong to our own ruin, not-
 “ withstanding that we have cleared ourselves
 “ before to the council, and of late by our
 “ supplication to his majesty’s commissioner,
 “ of all unreasonable combination and disor-
 “ ders; thus it exaggerates faults where none
 “ were committed, and threatens ruin where
 “ no punishment was deserved.

“ IV. No hope is given us to be free of the
 “ practice of *Perth Articles*, but rather we
 “ shall be put under that bondage, altho’
 “ they have been a main cause of the division
 “ of this kirk, and of the many miserable con-
 “ sequences following thereupon.

“ V. Altho’ the prelates have wrought us
 “ all this woe, and our complaints from the
 “ beginning have been principally intended
 “ against them, as wicked instruments, labor-
 “ ing to divide betwixt God and his people,
 “ and the king’s majesty and his subjects, yet
 “ have we no hope of justice against them by
 “ the proclamation, which does pass their
 “ guiltiness altogether with silence, as if we
 “ had

1638. " had never complained against them, or petitioned to have them put to trial.

" VI. Altho', according to our frequent supplications, the necessity of the kirk doth require a present indiction of a general assembly, and we were ever in hope of such a free assembly as might promise us comfortable succels, yet, by this proclamation, we neither have certainty of a general assembly, nor hope of lawful liberty to be used therein, for establishing the reformed religion, and removing corruptions out of the service and kirk of God, but rather have reason to fear, that the book of canons and service-book, which contains the *Articles of Perth*, and many other corruptions, shall, by that door, find a fair and legal way to be established.

" VII. That the innovations in the religion and worship of God, complained upon by us, are not by this, and former proclamations, acknowledged to be innovations at all, or to contain any popish superstition, but, on the contrary, that they may not only consist with religion presently professed, but also are means to confirm the same, and beat out all contrary superstition."

Declaration approved before these reasons were given in, *Ibid.* and p. 370.

But before the councillors could be furnished with these reasons, they all, except the lords *Lorn* and *Southesk*, had in their own lodgings (not at the council-table) set their hands to an act of council approving the said declaration as satisfactory to themselves, full of grace and goodness, and wherewith they

with all his majesty's subjects might, as they ^{1638.}
ought, rest satisfied.

With these reasons, *Roths*, *Montrose*, and *Lowdown*, waited upon the lord commissioner also; at which time his grace having given them some high words, the lord *Lowdown* told him as roundly, that they knew no other bonds betwixt a king and his subjects, but those of religion and liberty; if these were violated, their lives were not dear to them; and that such fears as his grace presented to their view were over with them. A high conference betwixt the commissioner and Lowdown, Ibid. p. 370.

Nor did this disappointment make them despond or remiss in their endeavours; but, knowing in whose hand the hearts of all men are, they first had recourse to him by humble supplication; and then, as if inspired with new courage, they gave in to the lord commissioner a paper, bearing the title of *The complaint and supplication of his majesty's subjects heavily* The covenants supplicate of new. Ibid. p. 337.
grieved; wherein, after reminding his grace of the importance and equity of their cause, his majesty's just disposition, their patience, and peaceable, orderly and successful proceedings, they condescend on the late proclamation and extraordinary approbation of the same, as a great addition to their grievances, and endeavour to support their opinion, *first*, with resuming the substance of their reasons above copied. But, *secondly*, 'That which grieveth us much more
' (say they) and giveth us just cause of
' most bitter complaint, is, that the lords of
' council, who are the most proper judges of
' disorders, &c. should not only profess their
' own obedience thereto, and thankfulness
' for
The substance of it.

1638. for that which is granted by his majesty's proclamation, but that also, by their act of council, July 4. they have judicially declared, that all his majesty's subjects ought to rest satisfied therewith: By which decree,

1. They have, *indicta causa*, condemned us, in all our proceedings, according to the tenor of the proclamation, of great faults and disorders, blind obedience, running headlong to our own ruin, and of deserving censure by his majesty's power.
2. They have, according to the tenor of the proclamation, February 19. confirmed by them at this time, condemned our meetings of treason, and our proceedings since that time to be an increase of disorders; and thus they have not obscurely given out their sentence of deserved punishment.
3. They have hereby confirmed all our adversaries misinformations and calumnies, for which they were to be pursued criminally, and have justified before all men the notable injuries that we have sustained in time past.
4. They have stopped the course of his majesty's grace and favour, which might have been expected by new information, unto which, by passing their sentence against us and our proceedings, they have left no place.
5. They have provoked his majesty to use his power against us as a disobedient people, that we may be brought to ruin and perdition.
- And, 6. they have, before the time, made known to the world their judgment, and what will be their part, if the king, as God forbid, shall proceed to the execution of his threatnings against us, since they know

‘ know that we have protested, and cannot rest
 ‘ satisfied with his majesty’s declaration ; we
 ‘ perceive here a world of evils, and many
 ‘ terrible consequences of this approbation,
 ‘ which, quite contrary to our hopes, put
 ‘ us in a far worse case than when your
 ‘ grace came hither.’ And, for these reasons,
 they earnestly besought the rescinding of the
 aforesaid act ; and that his grace would inter-
 ceed with his majesty, for the speedy indica-
 tion of a free general assembly and parlia-
 ment.

By this time the medicine used began to
 operate ; and the lords of the council were
 now become so sick of it, and sorry for their
 subscription, that they never rested till they
 got back the act, and had torn it in pieces.

The
 counsel-
 lers re-
 tract
 their sub-
 scription,
 Ibid. p.
 370.

And, lest the covenanters had been driven
 to some extremity, which should prove
 hurtful to all, the lord commissioner did
 next day offer to them a more favourable pro-
 clamations, inhibiting the practice of the ser-
 vice-book, and book of canons, rescinding all
 acts of council past in favours thereof, and
 discharging the exercise of the high commis-
 sion till it were regulated. But that not giv-
 ing the satisfaction expected, it was not pub-
 lished. Yet all promised to live peaceably till
 the commissioner’s return, who appointed the
 12th of *August* for his last day ; and then set
 out post for *London*.

Another
 procla-
 mation.

Ibid. -
 p. 336,
 371.

About this time the kingdom was put in
 great terror with the news from *England*,
 that four commissioners were named to pro-
 vide for war by sea and land ; that admiral
Pennington was to be sent down to the *Scots*

Great
 news of
 prepara-
 tions for
 war.
 Ibid.

p. 341,
 371.

1638. coasts with a Squadron; that orders were given for making many flat-bottom'd boats, for transporting the *Irish* to *Kirkcudbright*, *Lochryan*, and the western coasts, and for landing forces in *Fife* or *Lothian*, and carriages for eighty field-pieces, as also to provide twenty five thousand swords, with a proportionable number of pikes and muskets, great saddles, and other warlike accoutrements: That lord *Antrim* had freighted a ship, and laded her with arms and ammunition for *Ireland*; and *Weems* the cannoneer, another to transport canons and ammunition to *Dumbarton* castle: That lord *Arundel* had orders to fortify *Berwick*, *Carlisle*, and some other fortifications; and letters were directed to all the western counties, to have the militia trained and in readiness. The lord *Lorn* was also informed, that lord *Antrim* intended an invasion with his *Irish* papists, upon the county of *Argyle*; and our conservator at *Campvere* caused arrest several of our merchantships trading with the *Dutch*, on pretence they carried arms to the covenanters.

The co-
venan-
ters re-
cur to
fasting,
Ibid.
p. 372.

These prognosticks seeming pregnant with woe, the covenanters were afraid that this whole isle would be terribly shaken, if not made desolate, before that storm calmed. But their trust was in God; and for imploring his aid, they appointed the 22d and 29th days of *July* to be observed in fasting over all the land.

Yet after all, this storm did not break so soon as was expected. The preparations in *England* proceeded but slowly. It was for that reason thought proper to humour the efforts

efforts for a treaty; and the court-faction wishing to lull all in security, took occasion from the said delay, to persuade the covenanters, that the preparations said to be made in *England* were only imaginary. But time and experience discovers many secrets; and their own writers have since afforded as ample evidence as any covenanters did ever alledge, that their pious king, in submitting to a treaty, was only playing the hypocrite with the covenanters, for want of a capacity to act the tyrant upon them.

Now, this construction does by no means proceed upon obscure hints and strained inferences, but upon the plainest expressions which king *Charles* was capable of. Thus, says he in his letter to his commissioner, dated *June 11*. while the treaty was scarcely begun, far less broken off, "I assure you that I have not been idle; so that I hope, by the next week, I shall send you some good assurance of the advancing of our preparations. — As for the dividing of my declaration, I find it most fit, (in that way you have resolved it); to which I shall add, that I am content to forbear the latter part thereof, until you hear that my fleet hath set sail for *Scotland*. In the mean time, your care must be how to dissolve the multitude, and — to possess yourself of my castles of *Edinburgh* and *Stirling*. — And, to this end, I give you leave to flatter them with what hopes you please, so you engage not me against my grounds; — your chief end being now to win time — until I be ready to suppress them." And what the latter part of that declaration

*Burnet's
memoirs
of the
Dukes of
Hamilton.
p. 55.*

1638. declaration was, which *Hamilton* had forborn
 to make, we may learn from the Postscript to
 the same letter, which runs thus. " I do not
 " expect that you should declare the adherers
 " to the covenant traitors, until (as I have
 " already said) you have heard from me, that
 " my fleet hath set sail for *Scotland*, tho'
 " your six weeks should be elapsed. In a
 " word, gain time by all the honest means
 " you can, without forsaking your grounds."
 Again, *June 20.*— " What now I write is,
 " first, to shew you in what estate I am, and
 " then to have your advice in some things.
 " My train of artillery, consisting of forty
 " pieces of ordnance — is in good forward-
 " ness, and I hope will be ready within six
 " weeks; for I am sure there wants neither
 " money nor materials to do it with. I have
 " taken as good order as I can for — securing
 " *Carlisle* and *Berwick*.—I have sent for arms
 " to *Holland*, for 14,000 foot and 2000 horse.
 " For my ships, they are ready; and I have
 " given orders to send three for the coast
 " of *Ireland* immediately, under pretence to
 " defend our fishermen. Last of all, which
 " is indeed most of all, I have consulted with
 " the treasurer, and chancellor of the exche-
 " quer for money, for this year's expedition,
 " which I estimate at 200,000 *l. sterling*; which
 " they doubt not but to furnish me. More I
 " have done, but these are the chief heads.
 " Now, for your advice, I desire to know
 " whether you think it fit that I should send
 " 6000 landmen with the fleet that goes to
 " the *Frith* or not?—Thus you may see, that I
 " intend not to yield to the demands of those
 " traitors

Ibid.
 P. 59.

“ traitors the covenanters.” — Hear once 1638.
 more what he writes, *June 25.* — “ There
 “ be two things in your letter that require an- ^{ibid.}
 “ swer, *to wit*, the answer to their petition, and ^{p. 69.}
 “ concerning the explanation of their dam-
 “ nable covenant. For the first, the telling you
 “ that I have not changed my mind in this
 “ particular, is answer sufficient ; — and for the
 “ other, I will only say, that so long as this
 “ covenant is in force, (whether it be with or
 “ without explanation), I have no more power
 “ in *Scotland* than as a duke of *Venice*, which
 “ I will rather die than suffer ; yet I com-
 “ mend the giving ear to the explanation, or
 “ any thing else to win time. — Another I
 “ know, is to shew the world clearly, that my
 “ taking of arms is to suppress rebellion, and
 “ not to impose novelties, but that they are
 “ the seekers of them. — *Lastly*, my resolu-
 “ tion is to come myself in person, accom-
 “ panied like myself, &c.” Thus far I have
 thought fit to transcribe. Other particulars of
 the kind might be condescended on ; but these
 are sufficient to shew both the royal disposi-
 tion, and to whom our intestine commotions
 were owing.

On the 8th of *July* the marquis set out on ^{Hamil-}
 his journey, and arrived at *London* the fifth day ^{ton's}
 thereafter ; where we shall leave him, till we ^{journey.}
 bring forward the history of some interveening
 occurrences.

This year, as if God meant to reward the ^{This a}
 laudable endeavours of his people, they were ^{year of}
 blessed with favourable weather, and much in- ^{plenty.}
 crease of all kinds of grain ; which was a great ^{Baillie,}
 relief ^{p. 373.}

1638. relief to the land, after so vast scarcity as prevailed during some preceeding years.

and a
time of
the out-
pouring
of the
Spirit.
Crawf.
Book 3.
p. 159.

Another thing remarkable, as noticed by some of our authors, was the coincidence or concurrence of the *Holy Spirit*, with the prayers of his people to defeat the counsels taken against the church: for there having then been very frequent fasts and humiliation-days kept through the kingdom, it afterwards appeared, that this happened especially upon such days as the king did consult with his council on *Scots* affairs; on which occasions much of the spirit of prayer was poured out, and great amendment of life did signally follow the same. But passing this,

Attempts
used to
reform
Aber-
deen.
Baillie,
p. 433.
Row,
p. 332.

The tables, at *Edinburgh* being sorry, that the town and shire of *Aberdeen*, excited by their doctors persuasions, and the marquis of *Huntley's* promises and threatnings, stood out and opposed the work of reformation; they did send the earls of *Montrose* and *Kinghorn*, and the lord *Coupar*, with Mess. *Alexander Henderson*, *David Dickson* and *Andrew Cant*, in commission once more, to see if they could reclaim that town and county.

The
doctors
oppose
them,

The doctors incensed with this attempt, fell again to exclaiming against the national covenant in their sermons; Dr. *Ross* did especially distinguish himself in this manner; and the town-council, by plurality of voices, enacted, that none within the town should subscribe that covenant. On *Friday, July 20.* the deputies arrived at *Aberdeen*; when, according to custom, the magistrates waited on them to salute, and offer them the courtesy of the town. But they refused their acts of friendship, till they

they should shew themselves friendly to the 1638. cause on which they came; and *Montrose*, in a bold and smart speech, did remonstrate unto them the danger of popish and prelatical innovations. But the provost answered, that they were protestants, and not papists; and that they thought the king's declaration satisfactory; and therefore would not join in a course contrary to his majesty's inclination.

The magistrates were scarcely gone out, when the deputies received a packet, containing fourteen insnaring demands, subscribed by Mess. *John Forke*, *Alexander Ross*, *Robert Baron*, *Alexander Scroggie*, *William Leslie*, *William Guild*, and *James Sibbald*; all doctors of divinity in the old and new universities of *Aberdeen*, who promised to join with the covenanters, if they received a satisfactory answer. These demands, as afterwards appeared, had been much studied, yea printed, and sent to the court of *England*, before ever the covenanters saw them. Yet the brethren answered very speedily, and sent a copy of their answers to the doctors against the evening of the next day.

and try
to in-
snare
them
with de-
mands;

but were
happily
disap-
pointed.

The same day the nobles sent to the magistrates, desiring as their errand was of a publick and common nature, that their ministers might be allowed to preach in their churches on the *Sabbath* following. To which they got the answer expected, viz. That their ministers were prepared to preach in their own pulpits, and that the ministers had the key of their vacant church. Wherefore the three ministers resolved to preach in the earl of *Marischal*'s close or hall, according as the weather ruled.

1638. ruled. Accordingly, they all preached in that close, at hours when there was no publick worship in the churches. In the morning, Mr. *David Dickson* preached to a great multitude; and, after sermon, answered briefly and popularly to all the doctors demands. At noon, Mr. *Cant* preached, and Mr. *Henderson* at night, to no less an auditory than in the morning. And all of them produced arguments for subscribing the covenant, and taking part in the work of reformation. After publick worship was over, about five hundred subscribed the covenant at a table there, of whom severals were persons of the best quality in the place.

Many joined with the covenanters, both in the city and country.

A monitor to mockers. Row, p. 333.

While Mr. *Henderson* preached, the croud being very great, there were many mockers; and amongst the rest, *John Logie*, a student, did throw clods at the commissioners. But it was remarked, that, within a few days, the same person killed *Nicol Torrie* a young boy, because the boy's father did beat him when stealing his pease; and though at that time *Logie* escaped justice, yet was he taken and executed in the year 1644. Such were the consequences of disturbing the worship, and mocking the ambassadors of CHRIST.

On *Monday* the deputies went out to the country, where, with much labour, they persuaded many in the two shires of *Aberdeen* and *Bamff*. The marquis of *Huntley*, and the doctors, had preoccupied the minds of most with great prejudices; yet, through the blessing of God, the covenanters obtained the subscription and concurrence of about forty-four ministers, and many gentlemen. At their return to *Aberdeen*, on *Saturday* the 28th, they found

found that their friends there had procured the 1638. subscriptions of betwixt 20 or 30 more to the covenant, and that the doctors had replies in readiness to their answers. Next day they preached at such stated times as they had done the former sabbath; after which, the earl of *Marischal's* two brothers, with Mr. *William Robertson* minister at *Fultie*, and a few tradesmen, subscribed. The day following the deputies made a hasty answer to the doctors replies; and, having left a copy of the covenant with their friends there, for such as afterwards were pleased to subscribe, they set out for *Edinburgh*. To this last answer the doctors made a duply at their leisure, and triumphed as if the victory had been declared for them: They had no doubt many advantages of time, place, and books which the others wanted; yet, in the judgment of impartial readers, the answers did honour to the cause they maintained. Dr. *Guild*, and Mr. *David Lindsay* the constant moderator of the presbytery of *Aberdeen*, were gained by them before ever the ministers left that place; any thing new advanced in the doctors last duply was afterwards answered by Mr. *Samuel Rutherford*, and printed with his book, intituled, *Jus divinum regiminis*, against *Erastus*; and their opposition did gradually evanish into smoke.

These demands and answers, &c. deserve a place, but the same, having been already printed, are in the hands of many, and therefore we shall not interrupt the thread of our history with that long controversy.

The opposition made by the town and doctors of *Aberdeen* having been related to the king, The king and his commissioner encouraged the opposer.

1638. with great applause, by the marquis of *Huntley*, his majesty wrote one letter to the provost, bailies and council, and another to the doctors, giving them hearty thanks for the present, and promising them largely for the future. The marquis of *Hamilton* did also send a letter of the same import to them, which contained some reflexions against the covenanters, for having lesed him in their answers; and he remitted 100 *l. Sterling* to Dr. *Baron* to hold the press a-going for the king; whereupon all the opposers of the covenant and work of reformation did greatly insult over the covenanters, and by menacings and calumnies, as if the covenanters had been enemies to their town and country, and traitors to God and their king, did greatly perplex and affright them.

And the covenanters did also cherish their friends.

This being reported to the tables at *Edinburgh*, they considering that their brethren, being a small handful amongst many adversaries, might be in hazard of fainting, did write a large letter, vindicating themselves from the imputations contained in the marquis's letter, and exhorting the covenanters in *Aberdeen* to stedfastness, subscribed by about fourteen of the noblemen covenanters, which did greatly refresh their discouraged brethren.

Hamilton gives the king an account of the state of affairs, *Burges's* mem.

P. 85.

We formerly took notice of the lord commissioner's journey to court, and now it is time to relate the progress of it. When his grace arrived there he gave the king a full and particular account of the state of affairs in *Scotland*, the contents of which were very little to his majesty's mind.

Because

Because the suspicions of the king's disaffection to the protestant religion did greatly prevail at this time, the marquis proposed that his majesty would declare for the old *Scots Confession of Faith* established at the *Reformation*. To this the king consented, and sent back his grace to *Scotland* with instructions, dated the 27th of *July*, by which his majesty impowered the marquis to try by all means to get the council to sign the confession established by act of parliament, with the new bond subjoined thereto. If the council signed it, the marquis was to proceed to the indicting a general assembly when and where he pleased; but then his grace was expressly required to labour that bishops might have votes in assemblies; that the moderator should be a bishop; that the *five articles of Perth* should be held indifferent; that ministers should be admitted as before the late commotions (nevertheless that no other oaths be imposed than were warranted by act of parliament); and that he should give way to as few restrictions of the bishops power as he could, only that they should be accountable to the general assembly; and, if it might conduce to his majesty's service, the marquis was to publish the order made by the council, the 5th of *July* preceeding, for discharging the use of the service-book and book of canons, and the practice of the high-commission. And

With these publick instructions his majesty ordered the marquis privately to see that the country were again settled before he indicted the assembly; that the moderators named by bishops in presbyteries might be again

1638.
and is
sent back
both
with pub-
lick

and pri-
vate in-
structi-
ons, Ibid.
P. 66.

1638. gain reponed; and that, according to the act of assembly 1606. they might be held necessary members of the assembly; that all ministers who (according to *their own* information) had been turned out since the beginning of these commotions might be again restored, and that ministers admitted without bishops, might desist from the exercise of their function, that all the people might keep their own churches, and that bishops and ministers who took not the covenant might be permitted to live quietly without disturbance, and have their stipends paid them.

and a
declara-
tion of
the
king's or-
thodoxy.

At the same time the king signed a declaration approving the confession of faith ratified by the parliament 1567. and required the subscription of it, and of a bond in defence of that confession, and of his majesty's authority, &c. by all his loving subjects.

Brings
Dr. Bal-
canqual a-
long as
an advi-
ser.

And with these several instructions the marquis returned to *Scotland*, accompanied by Dr. *Balcanqual*, a man of subtle wit, whom he intended to make use of as his council in ecclesiastick affairs, and arrived at *Holy-rood-house* the 10th of *August*.

His re-
served-
ness to
his mo-
ther, &c.
Baillie,
p. 436.

At his return he kept himself more reserved than before; his mother he would not see, because the king had so far resented her affection to the covenanters, as to tear her son lord *William's* patent for the earldom of *Dunbar*; nor would he now allow Mr. *Eleazer Borthwick* to have access to him, tho' by him he had, before he was commissioner, encouraged the covenanters to proceed in supplicating their sovereign. The reasons of this reservedness was owing, it was thought, to some jealousies

fies which his enemies, from some passages of 1638. his carriage, while last in Scotland, had endeavoured to prepossess his majesty's mind with.

While the covenanters were by these put in fears of the worst, the commissioner, upon the 17th of August, made eleven demands, and required a categorical answer to them as necessary preliminaries before he could indict an assembly.

He tries to ensnare the covenanters.

Of these demands the reader will find a copy in the book, called, *The large declaration*, and the scope and substance of them is exhausted in the following answers, which were next day given to the same.

ANSWERS to particulars proponed by his majesty's commissioner.

Having seriously considered with ourselves, that nothing in this world is so precious; and ought to be so dear to us as our religion; that the diseases of this kirk, after long toleration, did threaten no less than her own ruin, and the expiring of the truth of religion at last, and that a free general assembly was the ordinary remedy appointed by divine authority, and blessed by divine providence in other kirks, and after a special manner in the kirk of Scotland, we have often and earnestly supplicated for the same, and have laboured to remove what was objected to, or what we could conceive to be any hinderance to the obtaining of our desire; likeas now, for the same good end, we have resolved to return this answer to the particulars

Answers to Hamilton's demands, Ibid. p. 385.

1638. Seculars required of us before an assembly be
indicted.

The particulars proponed are either mat-
ters ecclesiastick or civil: Ecclesiastick or
kirk matters are, *first*, concerning ministers
deposed or suspended by the presbyteries
since the beginning of *February* last, with-
out warrant of the *ordinary*, that they be re-
poned to their own places.

The *second* demand is, That moderators
of presbyteries deposed since the foresaid
day be reponed, and that all moderators ap-
pointed by the presbytery, without warrant
foresaid, do desist from executing the office
of moderator.

The *third* demand is, That ministers ad-
mitted since that time do desist from ex-
ercising the function of the ministry in
that place to which they have been admit-
ted.

These three particulars do concern the
power, duty, and particular facts or faults
of presbyteries, wherein we have no pow-
er to determine whether they have proceed-
ed lawfully or not, far less can we urge
or command them to alter or recall what
they have done in suspending, deposing, or
admitting of ministers or moderators, they
being properly subject to superior assemblies
of the kirk; and in this case and condition
of the kirk the same ought to be referred
to the general assembly, where, if the pres-
byteries shall not, after trial, justify their
proceedings from the good warrants of
scripture, reason, and acts and practice of
the kirk, they ought to sustain their own de-
served

' served censure. And since, upon the one ^{1638.}
 ' side, there be many complaints against the
 ' prelates, for their usurpation over presby-
 ' teries in the like particulars; and, on the
 ' other side, there be such complaints of the
 ' doings and disorders of presbyteries, to the
 ' offence of the prelates, we trust, that his
 ' majesty's commissioner will not esteem this
 ' to be an hinderance of the indiction of the
 ' general assembly, but rather a powerful and
 ' principal motive with speed to convene
 ' the same, as the proper judicatory for de-
 ' termining such dangerous and universal dif-
 ' ferences of the kirk: Neither do we hear
 ' that any ministers are deposed, but some
 ' only suspended till they be lawfully tried
 ' for their erroneous doctrine and flagitious
 ' life; so that it were offensive to God, dis-
 ' graceful to religion, and scandalous to the
 ' people to repute them to their places till
 ' they be tried and censured. And concerning
 ' moderators, none of them (as we under-
 ' stand) are deposed, but they are only chan-
 ' ged, which is very ordinary in this kirk.

' The fourth, concerning the resorting of
 ' parishoners to their own kirks, and that el-
 ' ders assist their ministers in the discipline
 ' of the kirk, ought to be cognosced and
 ' judged by the particular presbytery to which
 ' they are subject, since the cause may be in the
 ' ministers no less than in the parishoners and
 ' elders; and, in case they find no redress there,
 ' to ascend till they come to a general assem-
 ' bly, the want whereof maketh disorders to

' be
 ' be

1638. be multiplied both in presbyteries and particular parishes.

To the *sixth*, That ministers wait upon their own churches, and that none of them come to the assembly, or place where the same is kept, but such as shall be chosen commissioners from presbyteries, we answer, That none are to come to the place of the assembly, but such as are either allowed by commission to have voice, or otherwise have such interest as they can justify to his majesty's commissioner and the assembly convened.

To the *seventh*, concerning the appointing of moderators of presbyteries to be commissioners to the general assembly, only constant moderators, who have ceased long since, were found in the assembly 1606. which yet was never reputed by the church to be a lawful national assembly. And if both the moderators, who, if they be necessary members, need not to be chosen, and the chosen commissioners, repair to the assembly, the assembly itself can judge best of the members whereof it ought to consist.

To the *ninth*, That no lay-person whatsoever meddle with the chusing of commissioners from the presbyteries, and no minister without his own presbytery, we say, That, according to the order of the discipline of our church, none but ministers and elders ought to have voice in chusing commissioners from presbyteries, and that no minister or elder should have voice in election but in his own presbytery.

The rest of the particulars are concerning civil

‘ civil matters, as the *fifth* concerning the 1638.
 ‘ paying of rents and stipends to ministers and
 ‘ bishops, concerning which we can say no
 ‘ farther, but that the laws are as patent for
 ‘ them as for his majesty’s other subjects, and
 ‘ that the general assembly ought not to be
 ‘ delayed upon any complaint of that kind.

‘ The *eighth*, requiring that bishops and mi-
 ‘ nisters be secured in their persons, we think
 ‘ so reasonable, that we will promise every
 ‘ one of us, for our own parts, they shall suf-
 ‘ fer no violence from us, and that we shall
 ‘ hinder others so far as we may; and if any
 ‘ trouble them otherways, or make them any
 ‘ kind of molestation in that attendance but
 ‘ by order of law, the parties are justly pu-
 ‘ nishable according to the degree of their
 ‘ fault, as other subjects are.

‘ To the *tenth*, concerning the dissolving of
 ‘ all convocations and meetings, and the peace-
 ‘ ableness of the country; these meetings, be-
 ‘ ing kept for no other end but for consult-
 ‘ ing about lawful remedies against such pres-
 ‘ sing grievances as threaten the desolation of
 ‘ this church and state, cannot be dissolved till
 ‘ the evils be removed; and we trust that
 ‘ nothing in these our meetings hath escaped
 ‘ us, which carrieth in it the smallest appear-
 ‘ ance of undutifulness, or which may seem
 ‘ to tend to the breach of the common peace:
 ‘ but, altho’ our adversaries have herein ca-
 ‘ lumnated us, yet we have always so beha-
 ‘ ved ourselves as becomed his majesty’s most
 ‘ humble and loyal subjects, petitioning his
 ‘ majesty for a legal redress of our just gri-
 ‘ vances.

1638.

‘ To the *last*, concerning the covenant, the
‘ commissioner his grace having many times
‘ and most instantly pressed us with that
‘ point, we did, *first*, by invincible arguments,
‘ make manifest that we could not, without
‘ sinning against God and our own consciences,
‘ and without doing wrong to this national church
‘ and our posterity, rescind or alter the same;
‘ and thereafter did at large clear the same of all
‘ unlawful combination against authority, by our last
‘ supplication and declaration, which his majesty’s
‘ commissioner accepted as the most ready and powerful
‘ of all other means which could come within
‘ the compass of our thought to give his majesty
‘ satisfaction. The subscription of this our confession
‘ of faith and covenant being an act so evidently tending
‘ to the glory of God, the king’s honour, and happiness
‘ of the kingdom and having already proved so comfortable
‘ to us in the inward of our hearts, it is our ardent
‘ and constant desire, and ready wish, that both his
‘ majesty and all his good subjects may be partakers
‘ of the same comfort. Likeas we find ourselves bound
‘ by conscience, and by the covenant itself, to
‘ persuade all his majesty’s good subjects to
‘ join with us, for the good of religion, his
‘ majesty’s honour, and the quietness of the
‘ kingdom; which being modestly used by us,
‘ without pressing or threatening of the meanest,
‘ we hope shall never give his majesty the least
‘ cause of discontent.

‘ Seeing therefor, according to our power and interest,
‘ we are most willing to remove all hinderances,
‘ that things may be carried

‘carried in a peaceable manner worthy our 1638.
 ‘profession and covenant, and that we do aim
 ‘at nothing but the good of the kingdom and
 ‘preservation of the church, which, by con-
 ‘sumption or combustion, is like to be de-
 ‘sperately diseased, except a remedy be speed-
 ‘ily provided, and we delight to use no o-
 ‘ther means but such as are legal, and have
 ‘been ordinary in this church since the refor-
 ‘mation, we are confident that, without far-
 ‘ther delay, for preventing of greater evils and
 ‘miseries than we can express, our just desires
 ‘shall be granted; so shall we be encouraged,
 ‘in the peace of our souls, still to pray for
 ‘his majesty all increase of true honour and
 ‘happinefs.’

Notwithstanding these answers shewed that the
 the covenanters were not easily to be imposed
 upon, so eager was the marquis in prosecuting
 his commission, and anxious for pleasing his
 royal master, that, under colour of complying
 with them, he reduced his eleven demands to
 these two. The marquis reduces his demands to two, Rap. P 305.

‘1. That no laymen should have voice in
 ‘choosing the ministers to be sent from the
 ‘several presbyteries to the general assembly,
 ‘nor any but the ministers of the same pres-
 ‘bytery.

‘2. That the assembly should not go about
 ‘to determine things established by act of par-
 ‘liament, otherwise than by remonstrance or
 ‘petition to the parliament.’

These two demands did evidently contain
 the substance of the eleven, and tended to the
 same end, yet were they taken to advisement
 by which were taken to advisement by

1638. by the several tables; at which time the ministers were near discording among themselves.

the co-
venan-
ters,
Baillie,
P. 437.

The committee appointed to form an answer brought in their opinion, that ministers and elders only should elect commissioners from presbyteries to the general assembly. At the reading of this, some more ignorant of presbyterial principles than the rest were startled, and took it for an innovation. To please these the answer was changed into more general words, giving the choice of commissioners to those, who, by law and custom, had it in time bygone, without determining whether law and custom gave the elders a share in that election or not; but that correction was infinitely displeasing to the other three *tables*; and, upon their motion, the ministers yielded to dilate the same, tho' sore against some of their stomachs, and not without reflections that the gentry were usurping over them; and so in end the *tables* did reject these two demands as snares laid to intrap them.

and re-
jected.

Their
reasons
for doing
so.

And that all might see that they did this warrantably, they did in a treatise clear up the office of ruling elders, as authorized by the laws of the land, particularly by act of the parliament 1592. and by the constitutions, acts, and practice of this church from the *Reformation* downwards, till within a few years before the year 1638. which will fall as naturally to be related afterward; and by another treatise the *tables* gave reasons against the prelimitation of a free general assembly, as contrary to God's word, the laws and practice of the kingdom, the discipline of the church, their late supplications and protestations, and
against

against the very purpose of the work itself, 1638. that CHRIST's ministers, in a free assembly, should bind up themselves from speaking freely of whatever respected doctrine, discipline and manners in the person of any whomsoever: And, add they, tho' we would be yielding in these particulars, the commissioners to be chosen for the assembly, not having their power from us, (the *tables*) but from the several presbyteries, &c. would not be accountable to us, nor obliged to stand to what we had thus unlawfully given up, as the reader will find at more length in a large protest taken in *September* following, which, because it contains the reasons presently referred to among others, will, we doubt not, be acceptable at its full length.

And being now weary of delays, and made in a manner desperate by the many new obstructions thrown up in their way, they avowed their purpose, if the royal mandate were farther delayed, to call an assembly at their hazard, and gave out the reasons underwritten for their doing so, which we the rather insert, because that bold step hath been loudly complained of by the friends of prelacy.

They resolve to call a general assembly.

“God, by the light of nature, informing all persons and societies to study their own preservation, teacheth also the particular kirks of a nation, as the members of one body, to draw together into a consociation, or representative meeting, for the preservation of the whole, which cannot be sufficiently procured by the particular care of sessions, presbyteries

Reasons for a general assembly.

1638. *series and synods, they being but parts thereof, and no more independent and absolute in themselves, than particular civil corporations are in respect of the whole kingdom, so that, by the light of nature, the parliament is not more necessary for the estates of a kingdom, than is a national assembly for the particular kirks therein.*

The Son of God, the king and head of his kirk, hath graciously promised, where two or three are gathered together in his name, there he will be in the midst of them; which doth as well prove the divine original of national assemblies to be kept in case of urgent necessity, as of other inferior meetings of the kirk; and therefor the councils of old used this for their warrant, and the fathers, being convened in councils, used to pray for the presence and assistance of CHRIST, upon the footing of this gracious promise.

The Holy Ghost filling the hearts of the apostles, moved them to convene in a council at Jerusalem, Acts xv. whether also did resort the apostle Paul, by revelation, at the same time, Gal. ii. 1. for keeping of that assembly, as both ancient and modern divines observe upon that place; for which cause, and for the assistance of the spirit which brought them together, they were confident to give out their determination in this manner; It seemed good to the Holy Ghost and to us.

The christian kirk, directed by the light of nature, confident of the promise of CHRIST, and warranted by the divine practice of the apostles, hath in all ages, even when she was persecuted by the powers of the world, used this

‘ this as the ordinary and necessary mean for 1638.
 ‘ uniform establishing of religion and piety, *W*
 ‘ for censuring of heresy, and for removing
 ‘ of scandals, and such other evils as by divine
 ‘ providence and prediction must be, and
 ‘ would certainly bring division and desolation
 ‘ upon the kirk, if by this powerful remedy
 ‘ they were not cured and prevented. Both
 ‘ popish and reformed divines agree in this
 ‘ truth, that altho’ God, by his omnipotence,
 ‘ or by way of miracle, may preserve his kirk
 ‘ on earth without assemblies, yet, in the ordi-
 ‘ nary providence of God, assemblies are ne-
 ‘ cessary for the right governing and well-be-
 ‘ ing of the kirk.

‘ 2. According to this divine right, the kirk
 ‘ of *Scotland* kept her general assemblies with
 ‘ great evidence of the presence and blessing
 ‘ of God from heaven; for, while they con-
 ‘ tinued in their strength, (far contrary to that
 ‘ which we have seen of late) the doctrine
 ‘ was by them preserved against error and
 ‘ heresy; the worship was kept pure against
 ‘ superstition and idolatry; the discipline was
 ‘ held in integrity, without confusion and tyr-
 ‘ anny; unity and peace were entertained a-
 ‘ gainst schism and division; piety and learning
 ‘ were advanced against profanity and idleness;
 ‘ every man had his gift stirred up and increa-
 ‘ sed, every gift was made use of as it might
 ‘ serve for the good of the kirk, and all went
 ‘ from these assemblies with fresh resolutions
 ‘ and fervent zeal for the work of God in
 ‘ their particular places.

‘ 3. The liberty of this kirk for holding as-
 ‘ semblies was also acknowledged and ratified
 ‘ by

1638. by acts of parliament, as is manifest by the letter sent from the assembly in *March 1573.* to the earl of *Morton* then regent, and by the act of parliament in the year 1592. for such necessary causes as are exprest in these acts, which being neglected religion could not be preserved. King *James*, as at divers other times, so by his commissioners at *Linlithgow* in the year 1606. did acknowledge, that the keeping of general assemblies was the most necessary mean for preservation of piety and union, and for extermination of heresy and schism, and therefor willed that the act of parliament for convening the general assembly once in the year should stand in force. The prelates themselves, in their assembly at *Glasgow 1610.* expressly acknowledged that the necessity of the kirk did require yearly general assemblies, and the act of that assembly did suppose and import the same; for by the act they were made liable to the censure of the general assembly in their life, office, and benefice in general, and in some particulars specified therein, as that of the process of excommunication.

4. the causes noted by divines for the utility and necessity of councils are many; as,
 1. For suppressing heresy and controversies about points of doctrine. 2. For redressing abuses and enormities. 3. For appointing, restoring, or preserving the discipline of the kirk. 4. For the peace of the kirk and for unity. 5. For the mutual comfort and benefit which the godly may find in their meetings, by stirring up, and acquainting one another with the state of their particular
 kirk:

' kirks. 6. For the confirmation of doubting 1638.
 ' minds in the truth. 7. For keeping faithful
 ' pastors in their places, who were thrust out
 ' by their adversaries disturbers of the kirk.
 ' 8. For punishing of hereticks, or such as in-
 ' troduce novations in the kirk. Any one of
 ' these may be a sufficient cause of convening
 ' a general assembly; but at this time not one
 ' or two, but all of them in a concurrence may
 ' be heard crying for so necessary a remedy.
 ' For, 1. the doctrine is corrupted by *Armini-*
 ' *an* and popish errors. 2. Abuses and enor-
 ' mities, thro' the government of prelates, are
 ' multiplied. 3. The discipline of the kirk,
 ' established by acts of assemblies and by so-
 ' lemn oath, is not only perverted, but over-
 ' turned. 4. Peace and unity in the kirk is
 ' turned into schism and division by the adver-
 ' saries, who have minded nothing but their
 ' worldly peace and increase of their dignities.
 ' 5. Brethren of the ministry are become
 ' strangers one to another, their minds filled
 ' with suspicions, and none of them bettered
 ' by another, more than they were ministers in
 ' sundry kingdoms. 6. Many of the people
 ' have for a long time doubted of their reli-
 ' gion, not knowing what hand to turn to,
 ' when they found such diversity of opinions
 ' amongst pastors. 7. Faithful pastors have
 ' been thrust out of their ministry thro' usurp-
 ' ation of the prelates and their adherents,
 ' who take the greater liberty and boldness to
 ' smite their fellow-servants that there be no
 ' general assembly to control or censure them.
 ' 8. *Arminian* and popish teachers, both in kirks
 ' and schools, are rather rewarded, and preferred,
 ' D d d than,

1638. *than censured and controlled: And therefor,
except we will suffer religion to expire, and
the kirk of Christ to perish by consumption
or by combustion, we must resolve upon the
necessity of general assemblies.'*

OBJECTIONS answered.

*' Obj. 1. The name of the kirk belongs to the
prelates, and the meeting of our prelates for mat-
ters of religion is the representative kirk of this
kingdom.*

*' Ans. The prelates cannot be our repre-
sentative kirk ; 1. Because they are not of-
fice-bearers of this kirk, which, since the
time that the office of bishops was abolished,
hath never to this day acknowledged any
such office as is now exercised by them. 2.
Altho' the office of our prelates had been
received by this kirk, yet can they not be
esteemed the kirk representative, since both
in the apostolick council, *Acts xv.* and in
many other councils afterward, presbyters
had their voices, and the spirits of the prophets
must be subject to all such as by gifts and calling
are prophets. 3. Because they have no more
warrant, by the laws of the country and acts
of the kirk, to represent the kirk, than some
few citizens, turning robbers, have to repre-
sent the corporation of the city, or some small
faction, rising in a kingdom against the funda-
mental laws, to represent the whole kingdom,
or an imposthume growing on the body, and
making it diseased and monstrous, to repre-
sent the body. 4. It is manifest, by the
acts of parliament and assemblies, that this
kirk and kingdom never acknowledged any
other*

other kirk representative, since the *Reforma-* 1638.
ion, but the general assembly, orderly con-
 stitute of commissioners chosen and delegated
 for that effect. 5. The service book and
 new canons represent to all men what con-
 clusions we may look for from the prelates,
 if they were acknowledged to be the kirk re-
 presentative; and we may safely say of them,
 if they were the kirk representative, what is by
 all our divines affirmed of the *Roman* repre-
 sentative kirk, made up of the members of the
Roman hierarchy, that it cannot be the true kirk.

Obj. 2. *Where the christian kirk liveth un-*
der an unchristian magistrate, assemblies of the
kirk may be kept, (according to the custom of
the kirk for many years) without the consent of
the magistrate; but where the kirk liveth under a
christian magistrate, so that the kirk and common-
wealth make but one corporation, the assemblies
of the kirk must depend upon the indiction of the
prince or magistrate, who is the head of the repu-
blick, and the principal member of the kirk.

Ans. We humbly acknowledge that the su-
 preme magistrate hath power to indict the
 assemblies of the kirk, and when, in his wis-
 dom, he thinketh it convenient, he may by
 his authority convey assemblies of all sorts,
 whether general, provincial, presbyteries, or
 kirk-sessions: But the question is, whether
 he may prohibit or impede them when the
 necessity of the kirk evidently calls for them.
 2. No man will think that a republick, be-
 coming a christian kirk, should lose any of
 her civil liberties; why then shall a kirk, be-
 ing in her self a perfect republick, altho' of
 another kind, because she now lives under
 a christian

1638. a christian magistrate, lose her privileges, or suffer diminution in her christian liberty, whereof the holding of assemblies is a necessary part. 3. When the christian magistrate either forbiddeth, or, in the urgent necessity of the kirk, forbearth to convene assemblies, in this point the kirk is left to her own liberty, and must provide for her own safety. 4. The great wisdom of Jesus Christ, the king of the kirk, hath provided sufficient supplies for all her necessities, and fitting remedies for all her evils, of which there be many that cannot be helped without general assemblies; and therefor, not only the christian prince, but the pastors of the kirk, especially when the indiction cannot be obtained of the prince, are bound, as they will answer to CHRIST, to provide that the ecclesiastick re-publick receive no detriment, and to esteem the safety of the kirk to be the supreme law.

Obj. 3. *Altho' the liberty of the kirk for holding assemblies once in the year, at least, and oftner pro re nata, be ratified in the parliament 1592. yet the act of parliament 1612. acknowledgeth the indiction of the general assemblies to pertain to his majesty, by the prerogative of his royal crown, and therefor abrogates the former act.*

Ans. God forbid that any man should be so impious as to think that his majesty's royal prerogative doth contain or import any thing contrary to the royal prerogative of CHRIST, by whom kings reign, or to the liberties granted to the christian kirk, whose nurse-fathers kings on earth must be; the matter therefor may be easily solved without wrong to the king's majesty, or to Christ the king of kings, and

and to his kirk, by this threefold distinction. The first, which is used in the point of calling assemblies both by popish and reformed divines, putteth a difference between a solemn and publick indiction *via citationis ac publicæ authorizationis*, by way of citation or compulsion by authority; and between a voluntary meeting, *per viam admonitionis ac requisitionis*, by way of christian admonition or aduersion; the former is so proper to the king by his prerogative, that it can neither be given to the pope, nor to any foreign power; nor, without usurpation, can be claimed by any of his majesty's subjects; *Mos* only may blow the trumpet; the other is proper to the kirk and her office-bearers, which neither is, nor can be taken from her by any act of parliament. Secondly, We are to distinguish between a cumulative, or rather a positive, power of calling assemblies, and between a privative or destructive power; the former is acknowledged by the act of parliament to belong to the king, who, being *custos utriusque tabule*, may, and ought, *pro re nata*, to call the assemblies of the kirk; but the other cannot be meant in the act of parliament 1612. 1. Because it doth not confer any new power, but only declareth *quo jure* his former power of indicting (which is only set down in the act 1592.) doth appertain to him. 2. Because, in the act 1592. it was found that the king's power of indicting general assemblies, and that by virtue of his prerogative royal, might consist with this native liberty of the church, to appoint the time and place of her necessary assemblies, in case

1638.

of the king's not using his prerogative by appointing them: And the act of the king's prerogative was declared to contain no derogation to the liberties and privileges granted by God to his church, whereof the liberty of general assemblies is there acknowledged to be one. 3. Because, altho' *cujus est nolle, ejus est velle*, it is not always reciprocal, *cujus est velle, ejus est nolle*. And, 4. because the act of Glasgow assembly, whereof the act of parliament is ratificatory, acknowledgeth the necessity of yearly general assemblies. And, Thirdly, we must observe the difference betwixt the indiction or calling of assemblies considered absolutely, and, in respect of the circumstances of time and place, *indictio simpliciter*, and *secundum quid*. The act of parliament intendeth no farther but touching the circumstances of the place, as in what town the assembly shall convene, and of the time, in what month of the year, and what day of the month, as is evident by the act 1592. which giveth this liberty of time and place to the assembly, when the king's majesty or his commissioner doth not appoint them.

Hamilton prevents the calling of an assembly, by proposing a new journey to court, Baillie, p. 439.

When the lord commissioner found the covenanters so resolute on their purpose, he was at a nonplus what to do: To call an assembly himself, inconsistent with his instructions, he durst not; and to give way to their calling one themselves was as contrary to his inclination, fearing lest, if once they ventured on such an important step, without the king's authority, this might derogate from that veneration which they owed to their sovereign, and make them less sensible of their dependence upon him;

him; and therefor he condescended to in-
treat a delay of their resolution, till once more
he should ride post to his royal master, and so-
licit his concurrence in person.

Against this new delay the chief of the mi-
nisters and the generality of the gentry and
burgesses were much set, yet the motion was
so well proponed to them, in a publick meet-
ing, by the lord *Lorn*, and seconded by *Rothes*,
that the most judged it reasonable to comply
with a delay till the 20th of *September*, on con-
dition the marquis would agent the following
articles with the king, viz. 1. To obtain from
his majesty an assembly, free both as to the
members of which it should consist, and as to
the matters which should be handled therein.
2. That the time of the sitting of such assembly
might be fixed to a short day. 3. That the
place of meeting might be the most commo-
dious for all concerned. And, 4. that the
interrupting of their letters in *England* might
be discharged.

These articles the marquis engaged to agent
to his power, and set out on *Saturday* the 25th
of *August*, in hopes of seeing the king against
the *Thursday* following.

In the mean time the deputies, who were
pretty fully conveyened on that occasion, ha-
ving had full experience of king *Charles's* aver-
sion to the granting their desires, and knowing
that his majesty was still under the unhappy
influence of archbishop *Laud*, they had small
confidence in the marquis's negotiation; they
laid their account with being left to the neces-
sity of calling an assembly themselves; and
knowing

The ge-
nerality
against a
delay,
but go
into it on
condi-
tion the
marquis
would
agent
their
cause
with the
king.
Ibid. p.
440.

which
the mar-
quis un-
dertook.

yet the
covenan-
ters ad-
vise on
instruc-
tions to
presby-
teries,
Ibid. p.
442.

1638. knowing that, by the length of time which had intervened since there was a free general assembly in the nation, the forms requisite on that occasion were become unknown to the most of that generation, especially as the far greatest part of the ministry had been admitted under the bishops, and had never been in an assembly; for these reasons the tables judged it their duty, while they were together, to draw up the following instructions, to be put in execution by the several presbyteries after the 20th of September, in case the lord commissioner did not, against that time, return with full instructions to call the assembly desired, viz.

Directions for
presbyteries.

‘ I. That every presbytery have a copy of the act made at Dundee the 7th of March 1597. concerning the number of commissioners; the tenor whereof follows.

‘ *Because there hath been no order hitherto concerning the number of commissioners to be directed from every presbytery to the general assembly, therefor it is ordained, that, in all time coming, three of the wisest and gravest of the brethren shall be directed from every presbytery at the most, as commissioners to every assembly, and that none presume to come without commission; and likewise that one be directed from every presbytery in name of the barons, and one out of every borough except Edinburgh, which shall have power to direct two commissioners to the general assembly.*

‘ II. That every presbytery have a copy of the commission to be given to their commissioners; whereof the tenor follows.

‘ A

At the day of 1638 years. 1638.
 The which day, after calling upon the name of GOD, ~~~~~
 we the members of the presbytery of _____
 having diligently considered the manifold corrup-
 tions, innovations and disorders disturbing our
 peace, and tending to the overthrow of our religion
 and liberties of the reformed church within this
 realm, which hath come to pass especially thro'
 the want of the necessary remedy of general assem-
 blies, as well ordinary as pro re nata, enjoyed by
 this church for many years, and ratified by act of
 parliament; and now expecting shortly, by the mer-
 cy of GOD, the benefit of a free general assembly,
 do, by these presents, nominate and appoint

minister of _____ as also
 _____ in name of the barons, con-
 jointly and severally, our lawful commissioners,
 giving and granting to them our full power, com-
 mission and expresse charge, to repair to the said
 assembly, at the day and place when and where it
 shall happen to sit in any safe and commodious
 place within this kingdom; and there, with the
 rest who shall be authorized with lawful commission,
 in our name to propone, treat, reason, vote and
 conclude, according to the word of GOD, and Con-
 fession of faith approved by sundry general assem-
 blies, and received throughout the whole kingdom,
 in all ecclesiastical matters competent to a free
 general assembly, and tending to the advancement
 of the kingdom of Christ and the good of religion,
 as they will answer to GOD and his church
 thereupon; and to report to us their diligence there-
 in. In testification of this our commission and
 charge, we have subscribed these presents with our
 hands.

1638.

III. That every kirk-session send one of the most qualified elders unto the presbytery the day of chusing commissioners to the general assembly, that, by common consent of the ministers and elders present in the presbytery, there may be chosen both the commissioners for the ministers, and also some well-affected and qualified nobleman, or special gentleman, being an elder in some particular kirk-session within that presbytery, in name of the barons; for this is the constitution of the presbyteries, (otherways called elderships) appointed by the church in the books of discipline and acts of the general assembly, practised for many years after the *Reformation*, and ratified *parl.* 12. K. *James VI.* and never since altered nor rescinded, neither can be with reason altered, seeing the same is the constitution of the supreme and general assemblies, and of the inferior and kirk-sessions, as is at more length cleared by reasons apart.

IV. That all such as are erroneous in doctrine, or scandalous in life, be presently processed, that they be not chosen commissioners, and, if they shall happen to be chosen by the greater part, that all the best affected, both ministers and elders, protest and come to the assembly to testify the same.

V. That the boroughs follow their accustomed order in chusing commissioners.

VI. That moderators, by virtue of their office, be not commissioners to the assembly, except they be chosen.

VII. That presbyteries, in one of the ordinary meetings, do convene solemnly after the

20th of September, either upon the 21st, 22d, 23d, 24th, or 25th days, for chusing of their commissioners to the assembly, and send them hither to *Edinburgh* before the first of *October*, or so soon as they can, that, with common consent, they may receive the king's last answer, and advise upon the next lawful remedy in this extreme necessity of the church and state.

VIII. That, in the fast to be observed on the 16th of September, the Sunday preceeding their election, they may crave God's direction therein.

And because several of the presbyteries had not as yet received the *Lay-elder*, an office which had been extruded by the prelates, and whereof those ministers who entered in the time of episcopacy were generally ignorant, the tables did clear up that office in a paper referred to in the former, which they likewise sent abroad under the title of

The power of Ruling-elders proved from the constitutions and acts of our church, and the consent both of her friends and enemies.

In the First book of discipline, compiled anno 1569. the power of elders is described in these words: If he that is the minister be worthy of admonition, they that are the elders must admonish him, or correction, they must correct him; and if he be worthy of deposition, they, with consent of the kirk and superintendant may depose him. And if they might do so with the superintendant, they may do as much with ministers in a presbytery, which is come in the room of superintendants.

That elders were constituent members of the church of Scotland from the Reformation proved, Baillie, P. 397,

By 517.

1638.

By the assembly holden in *December 1562.* it was ordained, *That the superintendant give sufficient advertisement to the particular kirks of the time and place appointed for the synodical convention, that the minister with an elder may repair to the same.* And in that assembly power was granted to the superintendants, in their synodal conventions, to translate ministers from one kirk to another, with consent of the most part of the elders and ministers.

Before presbyteries could be erected, by reason of the scarcity of ministers, it was ordained by the general assembly holden in *June 1563.* that every superintendant warn the *shires, towns and parish-kirks* within his jurisdiction, to send their commissioners to the general assembly. And, by the general assembly which sat at *Edinburgh* in *July 1568.* it was ordained that ministers, and commissioners of shires to be sent to the general assembly, shall be chosen, at the synodal convention of the diocese, with consent of the rest of the ministers and gentlemen who shall convene at the said synodal convention.

In the register of the general assembly holden in *February* we find recorded, that the superintendant of *Angus and Mearns,* commissioner at the time for the sheriffdoms of *Aberdeen* and *Bamff,* had deprived the principal and some regents in *Aberdeen,* with the advice and consent of the ministers, elders and commissioners present.

After the *Book of policy, or Second book of discipline,* was agreed upon, anno 1578, we have these conclusions, viz. Chap. VI, *Of elders and their office: Their principal office*

' office is to hold assemblies with the pastors and 1638,
 ' doctors, who are also of their number, for esta-
 ' blishing of good order and execution of discipline.
 ' Again, Chap. VII. Sect. 1. we have these
 ' words: *Elderships and assemblies are common-*
 ' *ly constituted of pastors and doctors, and such as*
 ' *we commonly call elders, that labour not in the*
 ' *word and doctrine.* In the same chapter it is
 concluded, that *elders of particular congrega-*
tions be members of the common eldership
 or presbytery, thus: "It is meet that some
 " of the elders be chosen out of every particular
 " congregation, to concur with the rest of their
 " brethren in the common assembly, (that is,
 " the presbytery) and to take up the dilations
 " of offences within their own kirks, and bring
 " them to the assembly. This we gather out of
 " the practice of the primitive kirk, where elders
 " or seniors were constituted in cities and famous
 " places." Again, it is there said, that the power of
 election of those who bear ecclesiastical charge per-
 tains to this kind of assembly within their own bounds,
 being well erected and constituted of many pastors
 and elders of sufficient ability. By the like reason
 deposition also pertaineth to this kind of assembly, as
 of them that teach erroneous and corrupt doctrine,
 that be scandalous in life and after admonition de-
 sist not, be given to schism or rebellion against the
 kirk, manifest blasphemy, simony, &c. Again,
 treating of synodal assemblies, they say, Pro-
 vincial assemblies we call lawful conventions of the
 pastors, doctors, and other elders of a province ga-
 thered for the common affairs of the kirks thereof.
 And the national assembly, which is general to us,
 is a lawful convention of the whole kirks of the
 realm, where it is used or gathered for the common
 affairs

1638. *affairs of the kirk, and may be called the general
elderſhip of the whole kirks within the realm.*

From theſe excerpts it is evident, that ruling-elders, ſuch as labour not in word and doctrine, ought to be members of the ſeſſion of particular kirks, preſbyteries and ſynods. The rule of proportion requires, that, if elders have place in the ſeſſion of particular kirks, they ſhould alſo have a place in the preſbyteries, and provincial and national aſſemblies; and reaſon requireth, that, ſeeing the national council repreſents the whole church, ſome of all ſorts and callings of men ought to be preſent, and to give ſentence, and the rather becauſe the matter of faith and religion is a common cauſe, and eccleſiaſtical perſons ſhould not lay yokes upon chriſtians againſt their will, ſaith *Willet* in his *Synopſis papismi*.

When preſbyteries were to be erected, the king, for furtherance of the work, ſent to the general aſſembly holden in *April 1581*. the copy of the letter which he was to ſend to the nobleſmen and gentlemen within the bounds of every preſbytery, that it might be conſidered what the aſſembly would have added or omitted. In that letter we have a clear acknowledgment of the neceſſity of preſbyteries, and that they were ordained to conſiſt of miniſters and *ruling-elders*; and it was thought impoſſible to attain to any formal order likely to continue to poſterity over the whole realm, until the ancient bounds of the dioceses were diſſolved, where the pariſhes which were thick together and ſmall were united, and thoſe which were
over

over great, and of larger bounds, divided; 1638
 and thereafter presbyteries or elderships
 constituted for a dozen of parishes, or thereby,
 some more, some fewer, as the commodity
 of the country lyeth, where the ministry and
 elders in these bounds may commodiously
 exerce discipline, and take order with the
 affairs of the kirk, so far as shall be appointed,
 before the cognition be brought to the syno-
 dal assembly.

The right of *ruling-elders* in presbyteries
 was put in practice from the very first erec-
 tion of these courts; for the presbytery or
 eldership of *Edinburgh*, having been erected
 upon the last day of *May* 1581. it consisted
 of 15 or 16 ministers of the kirks adjacent—
 and some barons and gentlemen *elders* out of
 every kirk for that effect. Soon after that
 other presbyteries were erected, and account
 was taken in the general assembly of those
 who were appointed to take care of that
 matter. Accordingly the brethren, to whom
 that care was committed, in the year 1581.
 reported to the assembly 1582. that they had
 erected a presbytery of ministers, but not as
 yet of gentlemen or *elders*. From whence it
 is clear, that, in the intention of the assem-
 bly, *elders* were to be members of the pres-
 bytery.

In the answers to certain doubts proponed
 to that assembly concerning presbyteries, we
 have their judgment and determination, that
 the resort to the presbytery of such *elders* as
 were not versant in the word, should be no
 farther strictly urged than the weightiness
 and occasion, upon intimation made by the
 pastors

1638. pastors and doctors, shall require, at which
 time they shall give their concurrence; yet
 such as may commodiously resort are to be
 exhorted to be present at all times.

It is likewise clear that gentlemen elders
 were members of the presbytery, by Mr. P.
 Adamson, pretended bishop of St. Andrews,
 his forged declaration of the king's meaning
 and intention concerning the acts of parlia-
 ment made in the year 1584. which decla-
 ration is insert in the end of *Holinshaid's* chro-
 nicle.

In the assembly holden in May 1586. we
 have these conclusions. 1. It is found, that
 all such as the scripture appointeth go-
 vernors of the kirk, *to wit*, pastors, doctors,
 and elders, may convene to the general as-
 sembly, and vote in ecclesiastical matters;
 and all others, that have any suit or other
 things to propone to the assembly, may be
 there present, to give in their suits, propone
 things profitable for the kirk, and hear rea-
 soning, but shall not vote. 2. There are four
 ordinary office-bearers set down to us by the
 scriptures, *to wit*, pastors, doctors, elders and
 deacons.

In the assembly holden in August 1590.
 it was ordained, that all who did then bear,
 or were hereafter to bear office in the mi-
 nistry, subscribe the heads of discipline set
 down in the *Book of policy*, under the pain
 of excommunication, especially to the heads
 controverted and opposed by the adver-
 saries to our discipline, and consequently to
 the constitution of presbyteries consisting
 of ministers and ruling-elders.

Likeas

‘ Likeas, in the year of God 1592. parl. 1638.
 ‘ 1. K. *James VI.* the three estates ratifies
 ‘ and approves the presbytery and particular
 ‘ sessions, general and provincial assemblies,
 ‘ as they were appointed by the kirk, with
 ‘ the whole jurisdiction and discipline there-
 ‘ of, as it was used and exercised within this
 ‘ realm; affirmeth general and provincial-as-
 ‘ semblies to have the whole power of parti-
 ‘ cular elderships, and extracteth *verbatim* the
 ‘ matters to be treated in presbyteries, whom
 ‘ it stiles the elderships, out of the 7th chapter
 ‘ of the *Book of discipline*; and declareth that
 ‘ the king’s prerogative can noways derogate
 ‘ any thing to the priviledges that God has
 ‘ given to the spiritual office-bearers in the
 ‘ kirk, whereof *elders* are acknowledged to be
 ‘ the fourth sort of spiritual office-bearers in
 ‘ the *Book of discipline*.

‘ And to all these they add, That the most
 ‘ ancient of the present ministers do remem-
 ‘ ber of those *gentlemen-elders* keeping the
 ‘ presbyteries; and tho’ they have not sit-
 ‘ ten in presbyteries for many years, this
 ‘ was not owing to the law annulling or ab-
 ‘ rogating the former constitutions, but part-
 ‘ ly thro’ their own negligence, and partly
 ‘ thro’ the pride or ill conscience of some
 ‘ ministers; so that it fared with us as with
 ‘ the kirk of old, of which *Ambrose* com-
 ‘ plaineth, writing on 1 *Tim.* v. *Unde et sy-
 ‘ nagoge, et postea ecclesia seniores, habuit quorum
 ‘ sine consilio nihil in ecclesia agebatur, quod qua
 ‘ negligentia obsoleverit, nescio, nisi forte doctorum
 ‘ desidia, aut magis superbia, dum soli volunt ali-
 ‘ quid videri.*’

1638.

The deputies
exhortation to
the presbytery,
Ibid.
p. 392.

With these several papers which are insert at length, because they were then the subject of much altercation betwixt the court and the covenanters, the deputies at *Edinburgh* wrote to the several presbyteries, exhorting and requesting them to consider the lawfulness and necessity of an assembly, according to the printed reasons. ' And, *add they* ' for the better preparation of the commissioners, that they may be in readiness upon ' the shorter advertisement to be given when ' time and place shall be appointed, that ye ' would now, in this great exigence, go about ' preparation for the assembly, and, after the ' 20th day of *September*, the time appointed ' for the return of his majesty's commissioner, chuse your commissioners according ' to the directions to be herewith delivered ' unto you, so that ye may repair to *Edinburgh* ' against the first of *October*, to convene ' with the rest of the commissioners, and receive his majesty's last answer with the lord ' commissioner, from whom we expect the ' present indiction of a free general assembly, ' and that to as short a time as the urgent necessity of this kirk requireth; or, upon refusal hereof, (which God forbid) to advise ' and resolve upon such lawful means as may ' cure our present evils, and prevent the extreme misery of the kirk and state threatened thereby, which we are persuaded will ' be sufficient motives to induce you to use all ' lawful means, and to spare no pains that ' may conduce for so good ends.'

At the same time, the deputies knowing that they had to do with a mixed multitude,
and

and that many of the ministers, being infected with those very corruptions whereof they complained, might endanger the wished for reformation in the expected assembly, they sent private instructions to certain of the ministers, in whom they did most trust, of the following tenor, viz.

1638.

and their
private
advices
to select
bre-
thren,
Ibid. p.
442.

1. That, if any man offer to enter in process with ministers erroneous in doctrine, or scandalous in life, that they be not chosen commissioner; and, if the presbytery refuse them process, that they protest against that refusal, and thereafter against the election of those ministers, and thereupon take instruments, and extract the same.

2. To have a special care that informations be timeously made against every bishop, with the sure evidences thereof, concerning their miscarriages in presbyteries, synods, and the high commission, urging intrants to subscribe unwarranted articles, receiving of bribes from intrants, staying censure against papists, giving licence to marry without proclamation of banns, and the profanity of their own lives, by drinking, whoring, carding, dicing, swearing, sabbath-breaking, purchase of their bishopricks by bribes, their dishonest dealing in civil bargains, and abusing of their vassals. These and such like articles, common to all, or peculiar to some, ought to be gathered and put in order by some in every presbytery, to be trusted to that effect, and their diligence to be reported against the 20th of September, lest the noise of our complaints against the prelates evanish at the assembly.

3. To

1638.

3. To remind the ministers to be ready for disputation on such heads as are likely to be agitated in the assembly; as, *De episcopatu, de senioribus, de diaconatu, de potestate magistratus in ecclesiasticis, præsertim in convocandis conciliis, de civili jurisdictione ecclesiasticorum eorumque officiis in civilibus, de rebus adiaphoris et potestate magistratus in illis, de liturgia præscripta, de ritibus ecclesiæ seu liturgia Anglicana, de liturgia Scoticana et libro canonum, de quinque articulis Perthenisibus, &c.*
4. To chuse three commissioners in every presbytery where they can be had well affected, and to use all means how fewer may be chosen in evil disposed presbyteries.
5. Consultation would be had among the best affected, before the election, that in chusing their voices be not divided, but they may agree on the same persons.
6. To use all means to eschew the election, as far as may be, of chapter-men who have chosen bishops, of such as have sat in the high-commission, of chapel-men who have countenanced the chapel-ceremonies and novations, of all who offered to read and practise the service-book and book of canons, and of ministers who are justices of peace, altho' they have subscribed the covenant, unless they have desisted and acknowledged the unlawfulness of their former course, because they will be ready to approve these corruptions in the assembly. And,
7. That where a prime nobleman or well-qualified gentleman may be chosen in divers presbyteries, that he be chosen in that presbytery

'presbytery where there is greatest scarcity 1638.
'of able ministers.'

The foregoing instructions and precautions are reckoned by some, as the author of *the large declaration*, to preoccupy the minds of members, and to prelimit them in their free choice. However, if it is adverted, that the deputies did only offer these by way of advice, that the most of those to whom they wrote were great strangers to the pure exercise of the presbyterial church-government, and that the instructions offered carry their own evidence and excuse amongst with them, they will stand in no need of an apology from my pen.

In consequence of this diligence a very solemn fast was every where kept upon the 16th of *September*, for a blessing on their lawful endeavours, and thereafter sessions did chuse each their elder to go to the presbytery, after the 20th of that month, there to vote in the election of three ministers and one elder to the expected assembly.

During the heat of these actions the covenanters were much encouraged with the conversion from popery of Mr. *Thomas Abernethy* a jesuit. This man hearing at *Rome* of God's wonderful work in *Scotland*, his conscience awakened on him, and he came home to *Scotland*, where he had not been long, till he was persuaded of the truth of the report, and earnestly sought to be admitted a member of the reformed church, which was granted. After a sermon made for the purpose, in the *Gray-friers church of Edinburgh*, by Mr. *Andrew Ramsay*, from *Rev. xviii. 4.* which is in print,

A remark upon these articles.

A solemn fast, Ibid. p. 443.

Father Abernethy turns protestant, Ibid. p. 441.

1638 print, Mr. *Abernetby* did make a very sweet discourse, which is also printed, of his errors and reclaiming by the grace of God, with which, and the very penitent frame he was in at the time, the most of his hearers were affected even to tears; thereafter he subscribed the covenant, and did speak much to the commendation of it; and, (adds Mr. *Baillie*) 'after all our diligence to try, we can find 'no appearance of hypocrisy in the man. He 'informs us of many things, and, among the 'rest, that there are 18 priests, at least, always 'in *Scotland*, and condescends on their names 'and places of abode; that at *London* there 'are above 300 masses sung every sabbath; 'and that, about six years before, a conclusion 'past in the congregation *de propaganda fide*, to 'use means to draw the church of *England* to 'that of *Rome*, but to meddle no farther with 'our church, than as an association with *Eng-* 'land, in hopes by this conformity to gain us 'fully. There went abroad in his name re- 'ports of *Canterbury's* intercourse with the 'pope, and of the contriving of our liturgy 'at *Rome*, but, when I posed him on these, 'he denied his knowledge of any such mat- 'ters, &c.' But now to return to the lord commissioner.

Lord
commis-
sioner
proposes
the re-
newing
of king
James's
cove-
nant,
mem. D.
of Ham.
p. 72.

When his grace reached the court, he in- formed the king that he durst not venture upon the divulging of his last instructions, lest he should thereby have exposed the royal authority to contempt; and told his majesty, that nothing seemed so likely a course for removing jealousies, and settling matters, as the renovation of the covenant, which, upon K. *James's* command,

command, was drawn up *anno* 1580. contain- 1638.
ing the renunciation of all the articles of
popery, the fears of which was the occasion
of the present covenant.

This proposal did exceedingly displease the king, but he was not yet prepared for an open rupture with the covenanters; therefor he was persuaded to try what yielding would do, and dispatched the marquis with his majesty's declaration and instructions, which, if sent a few months sooner, would probably have satisfied all concerned. This declaration and instructions are already on record, and therefor we only observe here, that they gave liberty to discharge the service-book and book of canons, and the high-commission, simply, the practice of *Perth Articles* was also discharged, ministers entry was made as free as any could wish, bishops were subjected to the assembly, and liberty granted immediately to indict an assembly and parliament; only one thing troubled the covenanters, *viz.* the subscription of the covenant and bond imposed by king *James*, which we have already subjoined to the *Introduction*, numbers V. and VII. as threatening a division among them.

which
was
yielded
by the
king.

Large
Decl.
Mem.
D. of
Ham.

The marquis, thus instructed, set out for *Scotland* September 10. and, in his way, had an interview with the bishops, who were much grieved at his news, and did speak against his majesty's condescension with great vehemency. There also he compounded with the archbishop of *St. Andrews* to demit the office of lord chancellor for 2500 *l. sterling*.

Lord
com-
missioner
returns
for *Scot-
land*,
Ibid.
P. 78.

The
state of
matters
at his
return,
Baillie,
P. 443,
444.

At his return he found the covenanters resolved, in case the king refused to indict an assembly,

1638. assembly, to have one called by themselves, and therefor he looked on himself as shut up to indict one. And now the place of meeting was of importance. The archbishop of *St. Andrews*, and others, had advised to hold it at *Aberdeen*: But tho' had that been the case, old men, on whom especially the strength of the covenanters, humanly speaking, did depend, could not have travelled so far at that time of the year; and tho' two universities being there, that was the place where the greatest opposition could have been made to the reformation sought; and that, in and about that town, several thousands of fighting men could have been raised to suppress them, all which might have had weight with the lord commissioner to convene the assembly there rather than any place else; yet the Lord over-ruled this matter otherwise, and had determined favourably indeed for the covenanters, that *Glasgow* should be the place of their meeting.

Cove-
nanters
anxious
to know
the
king's
pleasure,
Mem.
D. of
Ham.
P. 79.

On *September* 15th the commissioner reached *Dalkeith*, and came to *Holy-rood-house*, the 17th. Upon the 20th the deputies for the covenanters sent to his grace to know when they might be informed of his majesty's pleasure, and, being referred to the next day, they waited on him in the morning, when he assured them, to their great joy, that the king had granted all that they desired, but the particulars he would not divulge to them till he made them known to the council, which was to sit the same day.

A meet-
ing of
council
called to
concur in
imposing

Accordingly the council met that afternoon, and, after they were set, the marquis laid out his majesty's, or rather his own, pleasure, that king

James's

James's covenant should be renewed, with all 1638.
 the art he was capable of. Next, a letter from the king to the council, of the same strain with the instructions, was read; after which the marquis, being unwilling that any whose affection he suspected should begin the discourse, called up *Traquair*, and after him ten or twelve others of whom he was most sure, who expressed their satisfaction to the full. Then he pressed that it might be presently put to the vote; but several desired, that, since it was a *Confession of Faith* that they were to sign, they might proceed more maturely, and consumed the time, arguing on their difficulties, till it was full time to dismiss.

Next morning, by six o' clock, many of the covenanting lords desired access, which the marquis granted, having, in the mean time, sent for such of the court-lords as he knew were of one mind with himself. These lords being convened, the lord *Roths*, in name of his brethren, informed the lord commissioner of what was talked without doors; and, being now certified of the truth thereof, desired that the swearing of the old *Confession* might be put off till *Monday*, when he undertook to give in reasons why the same ought not to be done; and a debate ensued which lasted about four hours. This the marquis suspected to have been done on purpose to divide the council, and therefor he did flatly refuse to grant any delay, and immediately went to the council, and urged them to put the matter to a vote; but, tho' he had spent most part of the last night labouring with those who had scruples, the lord *Lorn*, with the earl of *Wigton* and the lord ad-

the old
cove-
nant,
Baillie,
P. 444.

The co-
venan-
ters op-
pose this,
Ibid.
445.

and some
of the
council,
Ibid.

P. 475.

1638. vocate, did still remain unresolved, till a clause was, at their desire, put in, expressing that they subscribed the same according to the meaning put thereon when it was first sworn, and as then the religion was professed; by which they were satisfied, and judged that by this clause they had avoided any approbation of bishops, and other innovations brought into our church since that time, which seems to have been the very thing which the court aimed at, or at least to hold all off from any thing which looked like a condemning these; and so the said old covenant and bond were subscribed at *Holy-rood-house* the 22d day of September 1638. by *Hamilton* the commissioner, and by the councillors underwritten, viz. *Traguir, Roxburgh, Marischal, Mar, Moray, Linlithgow, Perth, Wigton, Kinghorn, Tullibardin, Haddington, Annandale, Lauderdale, Kinnoul, Dumfries, Southesk, Belhaven, Angus, Lorn, Elphinston, Napier, Dalziel, Almont, Sir John Hay, Sir Thomas Hope, Sir William Elphinston, Sir James Carmichael, Sir John Hamilton and Blackball.*

yet it
was a-
greed to
by the
council,

who ju-
dicially
declared
their
satisfac-
tion there-
with.

The
same in
which
they did
swear it.

The same day a number of acts, all of great moment, were past in council, and thereafter printed, such as,

An act declaring their full satisfaction with his majesty's declaration, and that the same was so satisfactory as all the subjects ought to rest satisfied therewith.

An act declaring that they did swear and subscribe the *Confession of Faith*, dated the 2d of March 1580. according as it was then professed within this kingdom, together with the general bond dated anno 1589.

A letter

A letter to his majesty, rendering their 1638.
thanks for his so great acts of clemency, and
offering, in testimony of their full satisfac-
tion, to sacrifice their lives and fortunes in
seconding his majesty's commandments, and
repressing all who should disturb the peace of
the church or kingdom.

An affu-
rance gi-
ven of
their re-
solution
to pro-
mote it
to their
power.

An act resuming his majesty's appointment
and order, that a free general assembly be in-
dicted, kept and holden, at the city of *Glas-*
gow, the 21st of *November* then next, and or-
daining open proclamation to be made thereof
at the market-cross of *Edinburgh*, and at the
other head-boroughs of the kingdom, warning
all and sundry *archbishops, bishops, commissio-*
ners of kirks, and others having place and vote
in the assembly, to repair to the said city the
21st day of *November*, and to attend the said
assembly during the sitting thereof, and to do
and perform all that to their charges did apper-
tain, as they should answer to the contrary at
their highest peril. And

An as-
sembly
indicted,

An act resuming his majesty's appointment
and order, that the high court of parliament
should be holden at *Edinburgh* the 15th day of
May then next to come, and ordaining publick
proclamation to be made thereof at the market-
cross of *Edinburgh*, and other places needful,
warning all and sundry noblemen, *prelates*, and
commissioners for the barons and boroughs, and
all others having voice and place in parliament,
to attend and wait thereat during the time
thereof, and to discharge the duty incumbent
on them, as they should answer on the con-
trary at their peril.

and a
parlia-
ment,

The

1638. The second day after this, the council having gathered courage from their own harmony, proceeded to make other two acts, viz. an act ordaining all his majesty's subjects, of whatsoever degree, estate or quality, ecclesiastical or civil, to swear and subscribe the *Confession*, dated the 2d March 1580. and that according to the said date and tenor thereof, and as it was then professed within this kingdom, together with the general bond dated anno 1589. as they will answer the contrary upon their obedience; and ordaining publication to be made thereof at the market-cross of *Edinburgh*, and other places needful. And

and commissioners named to administer the same, An act empowering one or more commissioners for every shire to exhibit the said confession and bond, and to require all his majesty's lieges to subscribe the same, as they will be answerable to his majesty and the said lords upon their duty and obedience, and to report their diligence betwixt and the 13th day of *November*.

amongst whom some covenanters were named, In this last act it is observable, that many of the covenanters were joined in commission with others, which was censured by many; but the marquis excused the matter, by pretending that the ingrossing their names in the proclamation, gave them an opportunity to retreat; that it tended to persuade the world that the king's condescension and indemnity were intended to be real; and that it might raise some jealousy in the other covenanters, as if those named had given some engagements underhand.

The council having agreed so harmoniously in all their measures, they did the same day
cause

cause his majesty's declaration, dated the 9th 1638. of that month, to be proclaimed at the market-cross of *Edinburgh*. This the reader may see in *Russhworth*, vol. II. page 770. yet, in regard it was a fundamental deed on the king's part, we shall subjoin the following copy of it.

CHARLES, &c. Forasmuch as the cause of all the distractions which have happened of late, both in church and commonwealth, have proceeded from the conceived fears of innovation of religion and laws, to free all our good subjects of the least suspicion of such intention in us, and to satisfy not only their desires, but even their doubts, we, by these presents, do discharge the service-book, book of canons, and high-commission, and the practice of them; and, by these presents, rescind all acts of council, proclamations, and other acts and deeds that have been made or published for establishing any of them, and declare the same to have no force in time coming. And, being informed that the urging of the *five articles* of *Perth* assembly hath bred great distraction in church and state, we have been graciously pleased to take the same to our consideration; and, for the quiet and peace of the church and state, do not only dispense with the practice of the said articles, but also discharge all persons from urging the practice thereof upon either laick or ecclesiastical person; and we do hereby free all our subjects from censure and pain, ecclesiastical or secular, for not urging, practising or obeying the same. And because it hath,

The king's declaration proclaimed Sept. 9th Baillie, P. 415.

to

1638. 'to the disgrace of government, been sur-
'mised, that some of our subjects have ex-
'ercised unwarranted power, and held them-
'selves exeemed from censure and punish-
'ment to which others are liable, we de-
'clare, that if any of our subjects have, or
'shall at any time presume to do any such
'act, or assume to themselves any such ex-
'emption or power, that they shall be liable
'to the trial and censure of any judicatory
'competent, according to the nature and qua-
'lity of the offence. For the free entry of
'ministers it is our will, that no other oath
'be administrate to them than that which is
'contained in the act of parliament. And, to
'give our subjects full assurance that we ne-
'ver intend to admit of any change in the
'true religion already established and profes-
'sed in this our kingdom, and that all our
'good people may be fully satisfied of our in-
'tention towards the maintenance of the said
'religion, we; by these presents, command
'all the lords of our privy council, senators
'of the college of justice, judges and ma-
'gistrates in borough and land, and all our other
'subjects whatsoever, to subscribe and renew
'the *Confession of Faith* subscribed at first by
'our dear father and his household in the
'year of God 1580. thereafter by persons
'of all ranks in the year 1581. by ordinance
'of the lords of secret council, and acts
'of the general assembly. Subscribed again
'by all sorts of persons in the year 1590.
'by a new ordinance of council, at the desire
'of the general assembly, with a general bond
'for maintenance of the true religion and
the

the king's person. And for that effect we 1638.
do require the lords of council to take such
course concerning the foresaid confession
and general bond, that it may be subscri-
bed and renewed thro' the whole kingdom
with all possible diligence. And, because we
will not leave in our subjects minds the
least doubt of our real resolutions, we have
given warrant to our commissioner to indict
a free general assembly, to be holden at
Glasgow the 21st day of *November* in this
present year 1638. And thereafter a par-
liament, to be holden at *Edinburgh* the
15th day of *May* 1639. for settling a per-
fect peace in the church and kingdom. And
because it is likely that the distractions that
happened of late have been occasioned thro'
the conceived fears of innovation of religion
and laws, and not out of any disloyalty or
disaffection to sovereignty, we are graciously
pleased absolutely to forget and forgive all
bygones to all such as shall acquiesce in this
our gracious pleasure, and carry themselves
peaceably, and shall ratify the same in our
ensuing parliament. And, that this assembly
may have the better success and more happy
conclusion, our will is, that there be a solemn
fast proclaimed and kept, by all our good sub-
jects of this kingdom, 14 days before the
said assembly, for begging a blessing upon that
assembly, and a peaceable end to the dis-
tractions of this church and kingdom, with
the averſion of God's heavy judgment from
both.

This proclamation seems, at first view, so
full of grace and goodness, that many, and
even

A re-
mark on
this pro-
clamati-
on.

1638. even some presbyterians, thought it left no real occasion of complaint to the covenanters; and to be sure it brought the difference to so narrow a point, that such as had not the same tenderness of conscience that they had would have been under little difficulty to comply with it; and hence they have been exclaimed against, especially by men of prelatiſal ſentiments, as needleſs ſticklers, who wanted not a reconciliation with the king at any rate; but they were too clear-ſighted not to diſcern the deceit which lurked in the ſwearing of that covenant as urged by the court; and, conſidering that they have ſuffered in the manner already hinted, the full hearing of their defence, as it is contained in a proteſtation made againſt the foreſaid proclamation, at the time it was publiſhed over the market-croſs of *Edinburgh*, is a piece of juſtice due to them, and will no doubt be acceptable to the reader in this place, as the deferring of it to the *Appendix* would not ſo effectually remove prejudices which otherways an unwary reader might take up.

and a
proteſta-
tion a-
gainſt it,
Ibid.
p. 460.

Whereas our continual ſupplications, &c. preſented from time to time, firſt to the lords of his majeſty's privy council, next to his ſacred majeſty, and laſt to his majeſty's commiſſioner; our long attendance and great patience theſe twelve months by-gone, waiting for ſatiſfaction of our moſt juſt deſires; our zeal to remove all rubs out of the way, which were either mentioned unto us, or could be conceived by us as hinderances of our pious intentions, aiming at nothing but the good of the kingdom and pre-

' preservation of the kirk, which, by con- 1638.
 ' sumption or combustion, is like to expire, ~
 ' delighting to use no other means but such
 ' as are legal, and have been ordinary in this
 ' kirk since the *Reformation*, and labouring,
 ' according to our power and interest, that all
 ' things might be carried in a peaceable man-
 ' ner, worthy of our profession and cove-
 ' nenant, our protestation containing a hearty
 ' thanksgiving for what his majesty, in his
 ' proclamation, from his justice, had granted
 ' of our just desires, and our protests and
 ' hopes for so much as was not yet granted.
 ' All these made us confidently to expect,
 ' from his majesty's compassionate dispositi-
 ' on towards this his native kingdom, that a
 ' free general assembly and parliament should
 ' have been indicted, as the most proper remedy
 ' for our grievances, and did constrain us to re-
 ' new our petition, earnestly intreating that
 ' his majesty's commissioner would be pleased
 ' to represent unto his majesty the condition
 ' of this kirk and kingdom, crying in extreme
 ' exigence for present help, with the lawfulness
 ' of the remedies prescribed by his ma-
 ' jesty's laws required by us, and presented
 ' to him in some particular articles, which his
 ' grace promised to recommend to his maje-
 ' sty, and to do his best endeavours for obtain-
 ' ing the same, especially the first article, that
 ' there might be indicted a full and free ge-
 ' neral assembly without prelimitation, either
 ' in the constitution and members, the order
 ' and manner of proceeding, or the matters
 ' to be treated: And if there should be any
 ' question or doubt about these, or such like

1638. particulars, that the determination thereof
might be remitted to the assembly itself as the
only proper and competent judge. And now,
after many supplications, complaints, articles
and informations, necessary protestation, long
expectation, and much dealing, having with
open ears and attentive minds heard his ma-
jesty's proclamation, it is our desire so to
proceed, that we may, upon the one part,
still be thankful to God and the king for
the least blink of his majesty's countenance,
and the smallest crumbs of comfort that fal-
leth unto us from his majesty's royal hands,
beseeching the Lord yet farther to enlarge
his heart, for our full satisfaction and rejoy-
cing, to the honour of God, the good of this
kirk and kingdom, and his majesty's never-
dying fame and glory, that his wise govern-
ment and zeal to the service of God may
be a measure and pattern to following gene-
rations, when they shall wish for a religious
and righteous king. And, on the other
part, that Christ our Lord, the king of kings,
may not, thro' our neglect or lukewarmness,
want any part of his sovereignty and domi-
on, and that in our religion, which is more
dear unto us than our lives, we deceive not
ourselves with that which cannot satisfy
nor make up the breach of this kirk and
kingdom, or remove our fears, doubts and
suspicions of the innovations of religion,
this hath made us to observe, That his ma-
jesty's proclamation doth ascribe all the late
distractions of this kirk and common-wealth
to our conceived fears of the innovation of
religion and laws, as the cause thereof, and
not

' not to the innovations themselves, with 1638.
 ' which we have been for a long time, and
 ' especially of late, heavily pressed and grie-
 ' ved, as if the cause were rather in appre-
 ' hension and fancy than in reality: That
 ' the service-book and book of canons are not
 ' so far discharged by this proclamation, as
 ' they have been urged by preceeding ones;
 ' for this proclamation doth only discharge
 ' the practice of them, and rescinds the acts
 ' made for establishing their practice, but doth
 ' not rescind the former proclamations of the
 ' 19th of *February* and 4th of *July*, which give
 ' an high approbation to these books, as fit
 ' means to maintain religion, and beat down
 ' all superstition, and withall declares his
 ' majesty's purpose to bring them into this
 ' kirk in a fair and legal way; and thus both
 ' our fears that they may be introduced here-
 ' after must still remain, and the liberty of
 ' the general assembly, by such a declaration
 ' of his majesty's judgment, is not a little pre-
 ' judged in the minds of so many as wisely
 ' consider and compare the preceeding pro-
 ' clamations with this which we now hear,
 ' altho' others, looking upon one step, and
 ' not upon the whole progress, run on rashly,
 ' and, neither considering what they are doing,
 ' nor with whom they are dealing, may be
 ' easily deceived; *qui pauca videt cito judicat*,
 ' a short sight maketh a sudden judgment:
 ' That it is declared in this proclamation, that
 ' his majesty neither intendeth to innovate any
 ' thing in religion or laws, or to admit of any
 ' change or alteration in the true religion al-
 ' ready established and professed in this king-
 ' dom;

1638. dom; and withall this is interposed, that
the *articles of Perth* are established by the
acts of parliament and general assembly, and
dispensation of the practice only granted, and
discharge given that no person be urged with
the practice thereof; and consequently his
majesty's intention, for the standing of the
acts of assembly and parliament appointing
the *articles of Perth*, is manifest, which is no
small prejudice to the freedom of the general
assembly: That, while the proclamation
ordaineth all his majesty's subjects to be li-
able to the trial and censure of the judica-
tories competent, and that none of them
shall use any unlimited and unwarranted
power; likeways that no other oath be ad-
ministred to ministers at their entry, than
that which is contained in the acts of parlia-
ment; in both these articles the bishops
are meant, who are thereby only curbed for
the present against their exorbitant enormi-
ties in exercising their office; but the of-
fice of bishops is thereby not only presup-
posed as unquestionable, but also so strong-
ly established, that his majesty declareth for
the present his intention to admit no inno-
vation therein, which is more evident by
the indiction of the parliament, warning
all prelates to be present, as having voice
and place in parliament; and by the indic-
tion of the assembly, warning all archbishops
and bishops to be present, as having voice
and place in the assembly, contrary to the
caveats, acts of the kirk, and our declinature;
and thus a third and great limitation is
put upon the general assembly. The pro-
clamation,

‘ clamation, by reason of these many real li- 1638.
 ‘ mitations and prejudices of the liberty of
 ‘ the assembly in the very points which have
 ‘ wrought so much disturbance in this kirk
 ‘ and kingdom, and wherein the liberty of
 ‘ the assembly is most useful and necessary at
 ‘ this time, can neither satisfy our grievances
 ‘ and complaints, nor remove our fears and
 ‘ doubts, nor can without protestation be ad-
 ‘ mitted by us, for the reasons following.

‘ 1. To keep silence in any thing that may
 ‘ serve for the good of the kirk, whether it
 ‘ be in preaching, prayer, or in proposing and
 ‘ voicing in a lawful assembly of the kirk, is
 ‘ against the word of God, *Isai. lxii. 6. Ye*
 ‘ *that are the Lord’s remembrancers, keep not*
 ‘ *silence, and give him no rest till he establish,*
 ‘ *and till he make Jerusalem a praise in the earth:*
 ‘ We must not be like the halters betwixt
 ‘ two opinions, recorded 1 *Kings xviii. 21.*
 ‘ who answered not a word when the Lord
 ‘ called them to give a testimony, but ought
 ‘ to behave so as we may say, with the apostle,
 ‘ *Acts xx. 20. I have kept back nothing that*
 ‘ *was profitable unto you:* To the same purpose
 ‘ see also 1 *Cor. xii. 7. Math. xiv. 18. Rom.*
 ‘ *i. 18. Revel. ii. 14, 20. and iii. 15. and*
 ‘ therefor to keep silence, or not to meddle
 ‘ with corruptions, whether in doctrine, sa-
 ‘ craments, worship or discipline, in a general
 ‘ assembly of the kirk convened for that
 ‘ end, were the ready way to move the Lord
 ‘ to deny his spirit unto us, and to provoke
 ‘ him to wrath against our proceedings, and
 ‘ might be imputed unto us for prejudice, col-
 ‘ lusion,

1638. *w* lusion, and betraying ourselves and the posterity.

2. This predetermination is against our supplications and protestations, wherein we have shewn ourselves so earnest for a free general assembly, contrary to every limitation of this kind, so far prejudging the liberty thereof, is against the *Confession of Faith*, registered in the parliament 1567. declaring, that one cause of the councils of the kirk is for good policy and order to be observed in the kirk, and for to change such things as men have devised, when they rather foster superstition than edify the kirk using the same, and is against our late *Confession*, wherein we have promised to forbear all novations till they be tried, which obligeth us to forbear now, and to try them in an assembly, and by all lawful means to labour to recover the former purity and liberty of the gospel, to which this limitation is directly repugnant, our liberty in a general assembly being the chief of all lawful means serving to that end.

3. This were directly contrary to the nature and ends of a general assembly, which having authority from God, being convened according to the laws of the kingdom, and receiving power from the whole collective body of the kirk, for the good of religion and safety of the kirk, whatsoever may conduce for these good ends in wisdom and modesty should be proponed, examined, and determined without prelimitation, either of the matters to be treated, or of the liberty of the members thereof, it being manifest, that, as far as the assembly is limited in the mat-

ters

ters to be treated, and in the members to be used, the necessary ends of the assembly, and the supreme law, which is the safety of the kirk, are as far hindered and prejudged. 1638.

4. This limitation is against the discipline of the kirk, which, *Book II. chap. 7.* declareth this to be one of her liberties, *That the assembly hath power to abrogate and abolish all statutes and ordinances concerning ecclesiastical matters that are found noisom and unprofitable, and agree not with the time, or are abused by the people, and strike against the acts of the general assembly.* Likeas the pretended assembly 1610. declareth for the common affairs of the kirk, (without exception or limitation) *that it is necessary that there be yearly general assemblies; and what order can be hoped for hereafter, if this assembly, indicted after so long intermission, and so many gross corruptions, be limited, and that more than ever any lawful assembly of the kirk was when it was yearly observed?*

5. It is ordained, *parl. 11. act 40.* king James VI. anent the necessary and lawful form of all parliaments, that nothing shall be done, or commanded to be done, which may directly or indirectly prejudice the liberty of free voicing or reasoning of the estates, or any of them, in time coming. It is also appointed, *act 92. parl. 6. K. James VI.* that the lords of session proceed in all civil causes intended before them, or to be intended, to cause execute their decrees, notwithstanding any private writing, charge or command in the contrary; and generally the acts of parliament appoint every matter for its

1638. its own judicatory, and to all judicatories
 ~~~~~ their own freedom; and therefor much  
 more doth this liberty belong to the supreme  
 ecclesiastick judicatory in matters which con-  
 cern God's honor and worship immedi-  
 ately, the salvation of the peoples souls, and  
 right constitution of the kirk, whose liberties  
 and privileges are confirmed, *parl. 12. K.*  
*James VI.* and *parl. 1. K. Charles*; for, if it  
 be carefully provided by divers acts of par-  
 liament, especially *parl. 12. act 148. K.*  
*James VI.* that there be no forestalling or  
 regrating of things pertaining to this natural  
 life, What shall be thought of this spiritual  
 forestalling and regrating, which tendeth to  
 the famishing or poisoning of the souls of the  
 people, both now and in the succeeding ge-  
 nerations?

6. It were contrary to our protestations,  
 proceedings and complaints against the late  
 innovations, and it might be accounted an  
 innovation and usurpation as gross and dan-  
 gerous to us and the posterity, and as pre-  
 judicial to religion, as any complained upon  
 by us, to admit limitations, and secret or o-  
 pen determinations, which belongeth to no  
 person or judicatory, but to an assembly, or  
 to consent to, and approve, by our silence,  
 the same predeterminations. It were to be  
 guilty of that ourselves which we condemn  
 in others. We may easily judge how the a-  
 postles before the council of *Jerusalem*, the  
 fathers before the *Nicene* council, and our  
 predecessors before the assembly holden at  
 the *Reformation*, and afterwards, would have  
 taken such dealing.

That

That this proclamation commandeth all his majesty's subjects, for maintenance of the religion already established, to subscribe and renew the *Confession of Faith* subscribed before in the year 1580. and afterward, and requireth the lords of privy-council to take such course anent the same, and the general band of maintenance of the true religion, and the king's person, that it may be subscribed and renewed throughout the whole kingdom with all possible diligence, which cannot now be performed by us; for altho' of late we would have been glad that ourselves, and others his majesty's subjects, had been commanded by authority to swear and subscribe the general *Confession of Faith*, against popish errors and superstitions, and now would be glad that all others should join with us in our late *Covenant and Confession*, descending more especially to the novations and errors of the time, and obliging us to the defence of religion, and of the king's majesty's person and authority, and for these ends to the mutual defence every one of another, yet can we not now, after so necessary and so solemn a specification, return to the general, for the reasons following.

1. No means have been left unessay'd against our late *Confession of Faith and Covenant* solemnly sworn and subscribed: For, 1. we were prest with the rendering and rescinding of our *Covenant*. 2. An alteration in some substantial points was urged. 3. A declaration was moved, which tended to the enervation thereof, and now we find, in the same strain, that we are put to a new trial, and the



1638. last mean is used more subtly than the former, that by this new subscription our late *Covenant* and *Confession* may be quite absorbed and buried in oblivion; that whereas it was intended and sworn to be an everlasting *Covenant* never to be forgotten, it shall be never more remembered, the one shall be cried up, and the other drowned in the noise thereof. And thus the new subscription now urged (altho' in a different way) shall prove equivalent to the rendering of the *Covenant*, or what of that kind hath before been essayed. Likeas, the reasons against the rendering of the *Covenant* do militate directly against this new motion.

See page  
345. of  
this history.

2. If we should now enter upon this new subscription, we would think ourselves guilty of mocking God, and taking his name in vain; for the tears that began to be poured forth at the solemnizing of the *Covenant* are not yet dried up and wiped away, and the joyful noise which then began to sound hath not yet ceased: And there can be no new necessity upon our part pretended for a ground of urging this new subscription, at first intended to be an abjuration of popery, upon us who are known to hate popery with an unfeigned hatred, and have all this year bygone given large testimony of our zeal against it. As we are not to multiply miracles upon God's part, so ought we not to multiply solemn oaths and covenants upon our part, and thus to play with oaths as children do with their toys, without necessity.

3. Neither would we, in giving way to this new subscription, think ourselves free of perjury;

perjury; for, as we were driven by an undeclinable necessity to enter into a mutual *Covenant*, so are we bound, not only by the law of God and nature, but by our solemn oath and subscription, against all divisive, motions, to promote and observe the same without violation; and it is most manifest, that, having already refused to render, alter, or destroy our *Covenant*, nothing can be more contrary to our pious intentions and sincere resolutions, than to consent to such a subscription and oath, as both in the intention of the urgers, and in the nature and condition of the matter urged, is the ready way to extinguish and drown in oblivion the band of our union and conjunction, that they be no more remembered. In this case we are called to lay seriously to heart, 1. That we have sworn that we shall neither directly nor indirectly suffer ourselves to be divided and withdrawn from this blessed and loyal conjunction, which consisteth not only in the general confession, but also in our explanation and application thereof, but on the contrary shall, by all lawful means, labour to further and promote the same. 2. That our union and conjunction may be observed without violation, (and so without mutilation of our application) we call the living LORD to witness, as we shall answer to CHRIST in the great day, &c.

4. This new subscription, instead of performing our vows, would be a real testimony and confession before the world, that we have been transgressors in making rash vows, that we repent ourselves of former zeal and fore-

1638. forewardness against the particulars expressed,  
 first, in our supplications, complaints and protestations, and next abjured in our covenant; that we in our judgment prefer the general confession unto this, which necessarily was now made more special; and that we are now under the fair pretext and honest cover of a new oath recanting and undoing that which upon so mature deliberation we have been doing before. This, beside all other evils, were to make way and open a door to the re-entry of the particulars abjured, and to repent ourselves of our chiefest consolations, and to lie both against God and our own souls.

5. It hath been often objected, that our *Confession of Faith* and *Covenant* was unlawful, because it wanted the warrants of publick authority; and it hath been answered by us, that we were not destitute of the warrants civil and ecclesiastick, which authorized the former *Covenant*. And altho' we could have wished that his majesty had added both his subscription and authority unto it, yet the less constraint from authority, and the more liberty, the less hypocrisy, and more sincerity hath appeared: But, by this new subscription urged by authority, we both condemn our former subscription as unlawful, because alledged to be done without authority, and precondemn also the like laudable course in the like necessity to be taken by our posterity.

6. What is the use of march-stones upon borders of lands, the like use hath *Confessions of Faith* in the kirk, to determinate and divide



vide betwixt truth and error; and the re- 1638.  
 newing and applying of *Confessions of Faith* to  
 the present errors and corruptions are not  
 unlike ridding of marches; and therefor, to  
 content ourselves with the general, and to  
 return to it from the particular application  
 of the *Confession*, necessarily made upon the  
 invasion or creeping in of errors within the  
 borders of the kirk, if it be not a removing  
 of the march-stone from its own place, it is  
 at least the hiding of the march in the  
 ground that it be not seen, which at this  
 time were very unseasonable, for two causes.  
 One is, because popery is so pregnant and  
 powerful in this land, as we have learned  
 of late; the other, because the papists, who,  
 upon the urging of the *Service-book* and *Ca-*  
*nons*, have presumed of our return to *Rome*,  
 will, upon this our subscription, arise from  
 their despairing of us unto their wonted pre-  
 sumption. None of us will deny but the  
 large *Confession of Faith*, registrated in the acts  
 of parliament, doth by consequence contain  
 this short *Confession* and abjuration; yet were  
 it not sufficient against popery to subscribe  
 the one without the other. How then shall  
 we think the more general *Confession* and ab-  
 juration at this time, when the urging of such  
 popish books hath extorted from us so neces-  
 sary an application, and doth still call for a te-  
 stimony to be complete enough without it?  
 7. The papists shall hereby get occasion  
 to renew their old objection against us;  
*annuas et menstruas fides de Deo decernunt*;  
 that our faith changeth with the moon, or  
 once in the year. Other reformed kirks  
 might

1638. might justly wonder at our inconstancy in  
 ~~~~~ changing our *Confession* without any real necessity; and that in one and the same year it  
 cometh forth larger and more particular, and
 then shorter and more general; and our adversaries will not fail to traduce us as troublers
 of the peace of the kirk and kingdom, without any necessary cause.

8. It will likewise prove a confirmation
 of their error, who think they may both
 subscribe the *Confession of Faith*, and receive
 the *Service-book* and *Canons*, which is not only a direct scandalizing of them, but also a
 ready way to put a weapon in their hands
 against ourselves, who maintain and profess,
 that these, and such other evils, are abjured in
 the *Confession of Faith*.

9. If we should now swear this *Confession*,
 we should be obliged by our oath to maintain *Perth articles*, which are the innovations
 already introduced in the worship of God,
 and to maintain episcopacy, with the civil
 places and power of kirkmen, because we
 are bound to swear this *Confession*, by virtue
 of, and conform to the king's command,
 signed by his sacred majesty, of the date September 9. 1638. (These are the very words
 subjoined to the *Confession* and *Band*, and prefixed to the subscriptions); and it cannot be
 denied but any oath ministred unto us, must
 either be refused, or else taken according to
 the known mind, professed intention, and
 expresse command of the authority urging the
 same; and it is most manifest, that his
 majesty's mind, intention and commandment,
 is no other but that the confession be
 sworn

' sworn for the maintenance of religion as it 1638.
 ' is already or presently professed, (these two ~
 ' being coincident, altogether one and the
 ' same, not only in our common form of
 ' speaking, but in all his majesty's proclama-
 ' tions) and thus it includeth, and containeth
 ' within the compass thereof, the foresaid no-
 ' vations and episcopacy, which, under that
 ' name, were also ratified in the first parlia-
 ' ment holden by his majesty. And whereas
 ' it may be objected, that the councillors have
 ' subscribed the *Confession of Faith* as it was
 ' professed 1580. and will not urge the sub-
 ' scription in another sense upon the subjects,
 ' we answer, 1. The act of council containing
 ' that declaration is not as yet published by
 ' proclamation. 2. If it were so published, it
 ' behoved of necessity either to be repugnant
 ' to his majesty's declared judgment and com-
 ' mand, which is more than to swear without
 ' warrant from authority (a fault unjustly object-
 ' ed unto us) or else we must affirm the religion
 ' in the year 1580. and at this time, to be alto-
 ' gether one and the same, and thus must ac-
 ' knowledge that there is no novation of re-
 ' ligion, which were a formal contradiction to
 ' that which we have sworn. 3. By approving
 ' the proclamation anent the oath to be admi-
 ' nistred to ministers, according to the act of
 ' parliament, which is to swear simple obedi-
 ' ence to the diocesan bishop, and by warning
 ' all archbishops and bishops to be present, as
 ' having voice and place in the assembly, they
 ' seem to determine, that, in their judgment,
 ' the *Confession of Faith*, as it was professed
 ' 1580. doth consist with episcopacy; whereas
 ' we,

1638. we, by our oath, have referred the trial of this, or any other question of that kind, to the general assembly and parliament.

10. This subscription and oath, in the mind and intention of authority, and consequently in our swearing thereof, may consist with the corruptions of the *Service-book* and *Canons*, which we have abjured as other heads of popery; for both in this present proclamation, and in his majesty's former proclamations at *Linlithgow*, *Stirling* and *Edinburgh*, the lords of privy-council, in their approbation of the same, and the prelates and doctors, who stand for the *Service-book* and *Canons*, do all speak plainly, or import so much, that these books are not repugnant to the *Confession of Faith*, and that the introducing of them is no novation of religion or law; and therefor we must either refuse to subscribe now, or we must confess contrary to our late oath, and to a clear truth, that the *Service-book* and *Canons* are no innovations in religion. And altho' the present books be discharged by proclamation, yet if we shall, by any deed of our own, testify that they may consist with our *Confession of Faith*, within a very short time, either the same books, or some other like them, with some small change, may be obtruded upon us, who, by our abjuration, (if we adhere unto it) have freed both ourselves and the posterity of all such corruptions, and have laid a fair foundation for the pure worship of God in all time coming.

11. Altho' there be indeed no substantial difference between that which we have subscribed,

scribed, and the confession subscribed 1580. 1638.
more than there is between that which is
hid, and that which is revealed, a march-
stone hid in the ground and uncovered, be-
twixt the hand closed and open, betwixt a
sword sheathed and drawn, or betwixt the
Large confession, registrated in the acts of par-
liament, and the *Short confession*, or (if we
may with reverence ascend yet higher) be-
tween the *Old Testament* and the *New*, yet, as
to sheath our sword when it should be drawn
were imprudence, or, at the commandment
of princes, professedly popish in their domi-
nions, after the subjects had subscribed both
confessions, to subscribe the first without the
second, or, at the will of a *Jewish* magistrate,
openly denying the *New Testament*, to subscribe
the *Old* alone after that they have subscri-
bed both, were horrible impiety against God,
and treachery against the truth; just so, for
us to subscribe the former apart, as it is
now urged and framed, without the explana-
tion and application thereof at this time,
when ours is rejected, and the subscribers
of the former refuse to subscribe ours, as
containing something substantially different,
and urge the former upon us as different
from ours, and not expressing the special
abjuration of the evils supplicated against
by us, were nothing else but to deny and
part from our former subscription, if not
formally, yet interpretatively. Old *Eleazar*,
who would not seem to eat forbidden meat,
and the confessors and martyrs of old, who
would not seem, by delivering some of
their papers, to render the bible, or to deny

1638. the truth, may teach us our duty in this case,
 altho' our lives were in hazard for refusing
 this subscription; and who knoweth but
 the LORD may be calling his people now,
 who have proceeded so far in professing his
 truth at this time, to such trials and confes-
 sions as his faithful witnesses have given of
 old, that in this point also our doing may
 be a document, both to the succeeding ages,
 and to other kirks to whom for the present
 we are made a spectacle.

12. If any be so forgetful of his oath (which
 GOD forbid) as to subscribe this *Confession*
 as it is now urged, he doth, according to the
 proclamation, acquiesce in this declaration of
 his majesty's will, and doth accept of such
 a pardon as hath need to be ratified in par-
 liament, and thus doth turn our glory into
 shame, by confessing our guiltiness, where
 GOD from heaven hath made us guiltless,
 and by the fire of his spirit from heaven
 hath accepted of our service, and doth de-
 part from the commandment of GOD, the
 practice of the godly in former times, and
 the worthy and laudable example of our
 worthy and religious progenitors, in obedi-
 ence whereof, and conform to which we
 made profession to subscribe; for there is no
 particular act required of us, to whom the
 pardon is presented in this proclamation, but
 this new subscription allenarly.

13. The general bond now urged to be
 subscribed, as it containeth many clauses not
 so fitting the present time as that wherein it
 was subscribed, so is it deficient in the *Refor-*
mation of our lives, a point at this time most
 necessary,

‘ necessary, viz. That we shall, answerably to our 1638.
 ‘ profession, be examples to others of all godliness,
 ‘ soberness and righteousness, and of every duty we
 ‘ owe to GOD and man ; without which we
 ‘ cannot now subscribe this Confession, least we
 ‘ loose the bonds to wickedness, seem to repent of
 ‘ our former resolutions and promises, and chuse
 ‘ to have our portion with hypocrites, profess-
 ‘ sing and swearing that we know GOD, but in
 ‘ our works deny him, being abominable, disobedi-
 ‘ ent, and unto every good work reprobate.

‘ 14. Since the narrative of the general
 ‘ bond is now changed, and some lines, expres-
 ‘ sing at length the papists and their adhe-
 ‘ rents to be the party from whom the dan-
 ‘ ger to religion and the king’s majesty was
 ‘ threatned, are left out, and no designation
 ‘ made of the party from whom the danger
 ‘ is now threaten’d, we are made either to
 ‘ think that our subscription at this time is
 ‘ unnecessary, or to suspect that we who have
 ‘ supplicated and entered in covenant are un-
 ‘ derstood to be the party, especially since
 ‘ the lords of council have, in their act Sep-
 ‘ tember 22. ratifying the proclamation, found
 ‘ themselves bound to use their best endea-
 ‘ vours that all his majesty’s good subjects may
 ‘ rest satisfied with his majesty’s declaration ;
 ‘ since also we have been (altho’ undeserved-
 ‘ ly) challenged of disorders, distractions,
 ‘ and dangers to religion and his majesty’s
 ‘ authority, and since, in the foresaid act and
 ‘ in the missive directed to his majesty, the
 ‘ lords of council offer their lives and fortunes
 ‘ to his majesty in repressing all such as shall
 ‘ hereafter disturb the peace of this kirk and
 ‘ kingdom,

1638. ' kingdom, which, being expressed in a gene-
 ' rality, is by many applied to us, and inter-
 ' preted of our adhering to our covenant;
 ' we should therefor, by our subscription of
 ' the covenant as it is now conceived, both
 ' do directly against our own minds, in con-
 ' demning ourselves wherein we are inno-
 ' cent, and should consent to our own hurt, to
 ' the suppressing of the cause which we main-
 ' tain, and to the repressing mutually of one
 ' another, directly contrary to our former so-
 ' lemn oath and subscription.

' 15. The subscribing of this *Confession* by
 ' the lords of his majesty's privy council, who,
 ' by their place and high employment, are
 ' publick peace-makers, and by others who
 ' have not subscribed the late *Confession*, will
 ' make the breach wider, and the lamentable
 ' division of this kirk more desperate than e-
 ' ver before; some having *sworn to labour by*
 ' *all lawfull means to recover the former liberty*
 ' *and purity of religion*; and others maintain-
 ' ing that for purity which is already esta-
 ' blished; some believing and professing that
 ' the evils supplicated against are abjured in
 ' that *Confession of Faith*, and others maintain-
 ' ing the *Confession of Faith* and these corrup-
 ' tions (altho' for the present discharged by
 ' authority) not to be inconsistent; and beside
 ' this, many divisions and subdivisions will
 ' ensue, to the doleful renting of the kirk and
 ' kingdom, making way for the wrath and
 ' judgments of God often threatened by his
 ' faithful servants, which the godly ought to
 ' labour by all means to prevent.

' 16. We

16. We represent also to the honourable lords of privy-council to be considered, that the doctrine, discipline and use of sacraments are sworn, and the contrary abjured, according to the word of God, and the meaning of the kirk of Scotland, in the books of discipline and acts of assemblies, and that in the oath there is no place left to the generality of any man's conception of the true faith and religion, nor to any private interpretation or mental reservation.

For these and the like considerations, in our own name, and in name of all who adhere to the late Covenant subscribed by us, and sealed from heaven, we, from our duty to God, our king, our native country, ourselves, and the posterity, lest our silence import a satisfaction of our desires, and a stopping of our mouth from necessary supplication for things yet to be obtained from his majesty's just and gracious disposition, are constrained to declare and protest,

1. That the cause and occasion of the distractions of the kirk and commonwealth are noways to be imputed to our needless fears; but to the innovations and corruptions of religion, which, against the acts and order of this kirk, and the laws of the kingdom, have been pressed upon us, who, altho' under great thralldom, were living in peace and quietness, labouring in all godliness and honesty to do our duty to God and man.

2. We protest, that all questions and doubts that arise concerning the freedom of the assembly, whether in the constitution; and

1638. and members thereof, in the matters to be treated, or in the manner and order of proceeding, be remitted to the determination of the assembly itself, as the only proper and competent judge; and that it shall be lawful for us, being authorized with lawful commissions, as at other times when the urgent necessity of the kirk shall require, so in this exigence to assemble ourselves at the diet appointed, notwithstanding any impediment or prorogation to the contrary, and, being assembled, to propone, treat, reason, vote and conclude, according to the word of GOD, *Confession of Faith*, and acts of lawful assemblies, in all ecclesiastical matters pertaining to the assembly, and tending to the advancement of the kingdom of CHRIST and good of religion.

3. Since archbishops and bishops have no warrant for their office in this kirk, and since it is contrary both to reason and to the acts of the kirk, that any have place and voice in the assembly, who are not authorized with lawful commissions, and seeing, both in common equity and by the tenor of this proclamation, they are made liable to the tryal and censure of the assembly, we protest that they be not present as having place or voice in the assembly, but compear for underlying tryal and censure upon the general complaints already made, and the particular accusations to be given in against them, and that the warning given by his majesty's proclamation, and this our protestation, be a sufficient citation to them to compear before the assembly, for their tryal and censure in life, office, and benefice.

4. We

4. We solemnly protest, that we do constantly adhere to our oath and subscription of the *Confession of Faith and Covenant*, lately renewed and approven, with rare and undeniable evidences from heaven of the wonderful workings of his spirit in the hearts both of pastors and people thro' all the parts of the kingdom, and that we stand to all parts and clauses thereof, and particularly to the explanation and application, containing both our abjuration of and our union against the particular evils and corruptions of the time, a duty which the LORD at this time especially craveth at our hands.

5. We also protest, that none of us who have subscribed, and do adhere to our subscription of the late covenant, be charged or urged, either to procure the subscriptions of others, or to subscribe ourselves, unto any other *Confession or Covenant* containing any derogation thereunto, especially that mentioned in the proclamation, without the necessary explanation and the application thereof already sworn by us, for the reasons above expressed: And because, as we did in our former protestation appeal from the Lords of his majesty's council, so do we now by these renew our solemn appeal, with all solemnities requisite, unto the next free general assembly and parliament, as the only supreme national judicatories competent to judge of national causes and proceedings.

6. We protest, that no subscription, whether by the lords of council or others, of the *Confession* mentioned in the proclamation,

1638. on, and enjoined for the maintenance of religion, as it is now already, or at this present time, established and professed within this kingdom, without any innovation of religion or law, be any manner of way prejudicial to our covenant, wherein *we have sworn to forbear the practice of novations already introduced, &c. till they be tried in a free assembly, and to labour by all lawful means to recover the purity and liberty of the gospel, as it was established and professed before the fore-said innovations*: And, in like manner, that no subscription fore-said be any derogation to the true and sound meaning of our worthy predecessors, at the time of their subscription in the year 1581. and afterward; withal warning and exhorting all men who lay to heart the cause of religion, against the corruptions of the time, and the present state of things, both to subscribe the covenant as it hath been explained and necessarily applied; and, as they love the purity and liberty of the gospel, to hold back their hands from all other covenants, till the assembly now indicted be convened and determine the present differences and divisions, and thereby preserve this country from contrary oaths.

7. As his majesty's royal clemency appeareth in forgiving and forgetting what his majesty conceiveth to be a disorder, or done amiss in the proceeding of any, so are we very confident of his majesty's approbation of the integrity of our hearts, and peaceableness of our ways and actions all this time past; and therefor we protest, that we

we still adhere to our former complaints, 1638.
 protestations, lawful meetings, proceedings,
 mutual defences, &c. all which as they have
 been in themselves lawful, so were they to
 us, pressed with so many grievances in his
 majesty's absence from his native kingdom,
 most necessary, and ought to be regarded as
 good offices and pertinent duties of faithful
 christians, loyal subjects, and sensible mem-
 bers of this kirk and common-wealth, as
 we trust at all occasions to make manifest
 to good men, especially to his sacred ma-
 jesty, for whose long and prosperous govern-
 ment, that we may live a peaceable and
 quiet life in all godliness and honesty, we
 earnestly pray.

Whereupon a noble earl, *James earl of*
Montrose, &c. in name of the noblemen, Mr.
Alexander Gibson, younger of *Durie*, advocate,
 in name of the barons, *George Porterfield* mer-
 chant burgess of *Glasgow*, in name of the
 boroughs, Mr. *Hary Rollock* minister at *Edin-*
burgh, in name of the ministers, and Mr. *Ar-*
chibald Johnston advocate, reader hereof, in
 name of all who adhere to the *Confession of*
Faith and *Covenant* lately renewed within
 this kingdom, took instruments in the hands
 of three notaries present, at the said market-
 cross of *Edinburgh*, being invironed with great
 numbers of the noblemen, barons, gentlemen,
 burghesses, ministers and commons, their consti-
 tuents, before many hundred witnesses, and
 craved an extract thereof: And, in token of
 their dutiful respect to his majesty, confi-
 dence of the equity of their cause, inno-

1638. ' cence of their carriage, and hope of his majesty's gracious acceptance, they offered, in all humility and submissive reverence, a copy thereof to the *herald*. '

A remark
thereon.

Having given this nervous paper at length, we shall not trouble the reader with remarks thereon, farther than to observe, that it hath an eye to the proclamation of the 9th of *September* and to the council-acts complexly; and whoever will consider impartially, that, by that proclamation and these acts, the freedom of the general assembly was prelimited, for this reason, amongst others, that archbishops and bishops, against whom especially the complaints of that time were levelled, were warned to come to the assembly, and that substituting the covenant 1580. with the bond annexed 1589. in the room of the said covenant, and more special application thereof to the time, by the bond subjoined thereto, *anno* 1638. was, at best, a returning from a particular to a general, will stand in little need of being reasoned into a belief, that the court-covenant, as the first was now called, was a stratagem to break the covenanters, and that the latter had too good reason for making the foregoing protestation.

Notwithstanding
this protest the
court go on in
their design,

This well-laboured protestation had not, however, the wished-for effect of marring the court-design; the commissioners for urging the king's covenant, then in *Edinburgh*, set out on that design, with letters of recommendation from the lord commissioner and the lords of the council, to their friends in all parts of the kingdom, and, with all the rhetorick they were master of, they extolled the grace
and

and benignity of the king's mind, and the necessity and expediency of entering into the national covenant according as they had subscribed the same. 1638.

The covenanters being aware of this divisive measure, sent out their deputies with a protestation, whereof the copy is before prefixed, from page 427 to page 448. (for the rest of that protestation respected the prelimitation of the assembly) and with these they did also send an advertisement or advice to their confidants in all the parts of the country, desiring that with all possible diligence they should warn every presbytery and congregation within their bounds to abstain from subscribing the new *Confession*, (i. e. the king's covenant) which they call a politick plot to divide them, and drown their covenant in oblivion, and that, wherever the proclamation for subscribing the king's covenant should be published, they, accompanied with as many of their brethren-covenanters as could possibly be convened, should at the same time read the protestation against it.

And now both sides, being thus instructed, did enter upon their work with fervent zeal, and prosecuted the same with great diligence. In some places, the forwardness of the court got the start of the covenanters, and there especially they prevailed with numbers, who had been deepest in defection, during the former period, to subscribe their covenant, but in no place had they such success as in the shires of *Aberdeen* and *Bamff*: In these two countries it was reckoned that the marquis of *Huntley* procured more subscriptions to the king's

and the covenanters in their opposition, *Baillie*, p. 413.

The success of the courtiers.

1638. king's covenant than were obtained amongst all the rest of the kingdom. His first care was to get the doctors of *Aberdeen* to concur therein; for that county having, of all others, been most averse to the noblemens covenant (as that framed by the *tables* was usually nicknamed) the example of these doctors was of great account with them; and yet this he could not obtain from them without their explanation, that they did not understand it as prejudicial to episcopacy and ceremonies.

Mem.
D. of
Ham.
p. 86.
Row, p.
337.

The
king's
covenant
opposed
at *Aber-*
deen,

When the king's covenant was proclaimed at the cross of *Aberdeen*, the master of *Forbes* and the lord *Frazer* caused read the protestation against it, at which time great disturbance did ensue; for the marquis being provoked at the covenanters courage in the place where his interest was strongest, did crave assistance from the magistrates to guard the cross against the insults of the other; but this they wisely declined, and, when lieutenant-colonel *Johnston* was ready to have sallied out of the catchpeal, with his trained-bands, upon the covenanters, the magistrates did threaten and otherways discourage him, and thereby did prevent the effusion of much blood, which otherways might have been spilt on that occasion.

but sub-
scribed
with an
explica-
tion,
Ibid.

That fray being over, the citizens convened at the *market-cross*, but refused to subscribe the king's covenant till their ministers should go before them in it; for, according to bishop *Burnet*, lest an humour of annexing explications might have run thro' others, the doctors explication, which is recorded at length by that historian, was kept a secret from the people; whereupon Dr. *Sibbald*, one of the
most

most gracious to the people, was prevailed on 1638. to be as the high-goat before this flock, and, having told them that he and his brethren had already subscribed the king's covenant, but that he was ready to do it over again, with this explication, *That he acknowledged episcopacy and the articles of Perth, with whatsoever other of that kind not contrary to the word of GOD, allowed by any reformed kirk elsewhere, and added, upon these conditions, and no otherwise, do I (before GOD) subscribe, neither do I desire any to subscribe on any other terms,* the most part of that town, adhering to his declaration, did thereupon subscribe.

At Glasgow likewise the court-covenant was like to have found friends at first, for, Sir James Hamilton of Orbiston having rode post with the proclamation for it on the Sabbath, it was quickly published, and applauded by too many; several of the ministers accompanied a number of non-covenanters to the cross, joined in all the tokens of their joy, and concurred in writing a letter of thanks to the lord commissioner for appointing that town to be the place of meeting for the assembly, with which the provost, Dr. Strang principal of the university, and Mr. Robert Wilkie minister, were next day sent to Hamilton.

Soon thereafter the marquis went to Glasgow to receive subscriptions to the Covenant himself, and, after a sermon preached by Dr. Balcanqual in the High-church, to prepare the people for the purpose, his lordship laboured what he could with the magistrates and council to induce them to comply, but was obliged, little to his contentment, to allow them to advise

The publication well received at Glasgow, Baillie, P. 448.

yet few did subscribe, Ibid. p. 450.

1638. advise on that matter for ten days. After the elapse of that space the justice general did set upon them anew to subscribe, but a farther delay of eight days was insisted on by the provost, and, the longer that the affair was delayed, their scruples against it became the stronger, and indeed the covenanters, in their turn, did omit nothing in their power which might reasonably augment these scruples.

and ma-
ny op-
posed
the same,
Ibid. p.
448.

When the proclamation was first published at *Glasgow*, a deputy from the covenanters, tho' not yet furnished with the foresaid protestation, did protest against the same, and offered such reasons as occurred to him. Our author informs us farther, that he went to *Glasgow* himself, and dealt assiduously with that good town to refrain from joining in the opposition to the covenanters. At that time his brother was eldest bailie, and some others of the council were his friends, so that, no doubt, his advice had its due weight with them; yet, so far was he from claiming the praise of that influence, that he religiously ascribes it to the over-ruling providence of God, saying, *God guides good men even in their by-ways*. And, when

Ibid. p.
450.

the motion was afterwards renewed in the town-council, *George Porterfield*, a member thereof, did immediately renew the protestation, and gave reasons common to all the covenanters, which put off the matter till the sitting of the assembly; and in other places the king's covenant met with no better reception,

Mem. of
D. of
Ham.
p. 85.

" God, in his holy and wise judgments, having, says the bishop of Sarum, permitted the poor people to be so blind in their obedi-
" ence

"ence to their leaders, that these arts took 1638.
"universally with them."

We did formerly repeat the rules by which the covenanters were to proceed in electing their commissioners to the ensuing assembly, and only observe farther thereon, that, in the end of *September* these rules were almost universally followed; lay-elders were admitted members of presbytery, and allowed to vote in the choice of commissioners to the assembly, and the election of two, or, at most, three ministers and one elder for each presbytery, went every where almost in favours of the covenanters; some opposition they did indeed meet with, and from none more than from *Glasgow*. The doctors of *Aberdeen* were judged the fittest for such a work, but their distance from the lord commissioner rendered correspondence with them impracticable, and, tho' his grace offered to send a coach for them, these learned gentlemen were averse to the journey, so that he behoved to make the more use of those at home, several of whom wanted not inclination enough to have danced to his pipe. For some time a party in the presbytery of *Glasgow* obstructed the election of lay-members to the general assembly, whereupon the *tables* at *Edinburgh* wrote to them, that thirty nine presbyteries had already chosen their commissioners as they were desired, that the rest were in doing, and that they heard of none who were unwilling to do so, unless they were; and at the same time they sent the lord *Lowdown*, with Mess. *David Dickson*, *Robert Blair* and *James Bonnar*, with instructions to use their best endeavours for resolving the doubts

The presbyteries did chuse their members for the assembly, Ibid.

and were at pains to reconcile others to it, Baillie, p. 449.

1638 doubts and removing the scruples which remained with any of their brethren there. Accordingly that conference succeeded with the majority, and old Mr. *John Bell*, Mr. *Zachary Boyd*, and Mr. *James Sharp*, ministers, with the earl of *Eglinton*, or, in his absence, the lord *Fleeming*, ruling-elders, were chosen their members to the ensuing assembly. Mr. *John Maxwell* gave in a protestation against this election, but the same was not adhered to by any other.

Each
royal
borough
also sent
a com-
missio-
ner.

Besides these, according to the ancient custom practised in this church from the *Reformation*, forty eight boroughs did chuse each a commissioner to the assembly; yet still the number of elders chosen this year, both from presbyteries and boroughs, did not exceed ninety six, and so fell short of the ministers chosen thereto by forty four, as will appear from a list of the whole members, which we purpose to add when we overtake that assembly, and the rather because most of the episcopal writers, and even the ingenious *Rapin*, do confidently, but very untruly, give out, that the ruling-elders did exceed the number of ministers on that occasion.

Precau-
tions
taken by
both
sides to
obtain
magi-
strates to
their
mind,
as at *A-*
berdeen,
Row, p.
336.

Nor was the care of the time confined to the church, but was likewise extended to the state. The season for a new election of magistrates in boroughs drawing near, the marquis of *Huntley* obtained from the king a letter to the town-council of *Aberdeen*, thanking them for their attachment to his service, and requiring them to be careful that none might be chosen for magistrates, nor no course taken which might be anyways derogatory thereto;

yet

yet, when the day of election came, matters 1638. took a turn to the contrary. The provost, finding how matters would go, removed, and would not countenance the election, and some others protested that no covenanters should be chosen; notwithstanding several covenanters were chosen, both to be magistrates and councillors, to the high offence of the marquis, and great mortification of the episcopal party.

In *Glasgow* it was more difficult to get the council composed of sound-paced episcopals, and therefor the lord commissioner's chief care was to have the magistracy there to consist of men simple and at his own disposal; and of these he obtained a set to his mind.

and
Glasgow,
Baillie,
P. 449.

Amongst the freeholders there was no great hazard of carrying it against the covenanters, and yet they were as cautious as if they had been in the greatest danger; for having, before the lord commissioner's last return from court, agreed to meet at *Edinburgh* the beginning of *October*, to concert what measures it might be proper to follow in case of a disappointment, a great number of them came up at that time, but, recollecting that a parliament was called, and that then was the season appointed by law for the election of commissioners to the parliament (for at that time it seems to have been the custom annually to chuse commissioners for parliament tho' there was no certainty of sitting) therefor they left the meeting at *Edinburgh*, that they might be present in their respective counties at the *Michaelmas* head-court.

This
care ex-
tended
also to
members
of parlia-
ment,
Ibid. p.
447.


And now the chief thing remaining necessary to be adverted to, prior to the assembly,

The me-
thod of
prosecut-
ing the
bishops,
Ibid. p.

1638, was the prosecution of the bishops, and others of the clergy, who were chargeable with scandal. The first and great difficulty lay in getting a warrant to cite them. Ecclesiastick authority they had none above a presbytery, and the king's proclamation indicting the assembly, tho' it did require the attendance of the archbishops and bishops, yet this it did not require of them as delinquents, but as constituent members of the assembly, only by that proclamation their persons were made subject to the assembly; wherefor the general tables did earnestly solicit the lord commissioner for a warrant to summon the bishops to the assembly as guilty persons, but he rejected the motion as unprecedented; whereupon they devised one method for all the bishops, and it was this.

A complaint made out against them, Baillie, p. 514, &c.

In the first place they drew up a complaint, by way of libel, against all the bishops, accusing them *in cumulo* of transgressing the caveats or limits set to them by former general assemblies; by behaving themselves as lords, rather than pastors, over the church; by publicly teaching, or secretly defending and conniving at *Popish* and *Arminian* doctrines and tenets, and advancing the teachers of such opinions; and, which must be more amazing that there should have ever been occasion to alledge such things of clergymen, they accuse them of drunkenness, whoring, playing at cards and dice, swearing, — bribery, simony, lying, dishonest dealing in civil bargains, and many other heinous crimes, which are inserted at more length in the complaint itself, a copy of which is recorded in *The Large Declaration*, and

and therefor we shall not swell this narrative 1638.
with repeating it. 

Next, they agreed that this complaint Com-
plainers
named.
should be made by the earls of *Sutherland*,
Athole and *Dalhousie*; the lords *Stormont*, *Mont-*
gomery, *Elcho*, *Forrester*, *Forbes*, *Boyd*, *Bal-*
carras, and *Melvil*, and the master of *Ber-*
ridale, in name of the nobility; the knights
of *Langton*, *Arnot*, *Deanmill*, *Airdrie*, *Balvaird*,
and *Blebo*; and the lairds of *Craigmiller*, *Lug-*
ton, *Buchanan*, *Dury* younger, *Balgony*, *Balbirny*,
Riccarton, *Gogar*, *Boghall*, *Ingliston*, *Newliston*,
Clerkington, *Newton*, *Ormiston*, *Ayton*, *Balfour*,
Lundie, *Livingston*, *Bonbard*, *Ardross*, *Ricefs* and
Duddingston, with colonel *Alexander Leslie*,
and Mess. *William Hamilton*, *Robert Preston*,
and *William Dickson*, in name of the ba-
rons and gentlemen; Mess. *William Scot* at
Cowpar, *George Hamilton* at *Newburn*, *Walter*
Greig at *Balmerino*, *John MacGill* at *Flisk*,
and *Andrew Blaiket* at *Aberlady*, in name of
the ministers; and *George Bruce* of *Carnock*
George Porterfield burgesses of *Glasgow*, and
John Smith, *John Mill*, *Lawrence Henderson*, and
Richard Maxwell, burgesses of *Edinburgh*, in
name of the burgesses and commons, in regard
none of these were commissioners to the as-
sembly.

And, to the end the knowledge thereof This
com-
plaint
first
made to
the pres-
byteries,
Large
Declara-
tion,
p. 255,
&c.
might reach the delinquents, the foresaid com-
missioners were desired to make out a copy, in
their own name, and in name of all the cove-
nanters who were not members of the assem-
bly, for each bishop, noticing in the subsump-
tion to fill up the particular faults of each
respective; or, if the blank left for that pur-
pose

1638. pose could not hold all the particulars which might be offered, they were to draw up the same in a separate claim, and offer both to every presbytery where a bishop resided at the time, and where his cathedral seat lay, with a petition to the presbyteries where such bishops cathedrals or residences did ly, being the competent judicatures for tryal of their scandals, to take the complaint against the bishop of their bounds to their consideration and tryal, and either to take order therewith themselves, and censure the offender conform to the quality of the offence, or else make reference of the affair to the general assembly.

their
deliver-
ance
thereon,
Ibid. p.
219.

Accordingly some one or other of these complainers did, about the end of *October*, present a copy of said complaint, amended as above, to each presbytery within whose bounds any of the bishops had their cathedral seat or residence, and, as was also before concerted by the *tables*, all the presbyteries gave the same deliverance in substance upon the back thereof, *viz.* ' Having considered this bill and complaint, we, according to the desire thereof, do refer the same to the next general assembly, to be holden at *Glasgow* 21st *November*; and we ordain the publishing of this complaint, and of our reference of it to the assembly, to be fully read by all the pastors of the presbytery, out of their pulpits, with a publick warning and citation to the offenders complained on by name, [*Here they named not only the bishop of their own diocese, but all the other bishops*] to be present at the said assembly, to answer to this complaint in general, and to the particular heads

‘ heads of it, to undergo the tryal and censure 1638.
 ‘ of it, and to bring with them the books and
 ‘ scrolls of the subscriptions and oaths of them
 ‘ who entered into the ministry; the books
 ‘ of the high-commission, and the books of
 ‘ the general assembly, which they either had
 ‘ or have fraudulently put away.’

This conduct of the tables, &c. we have narrated at the greater length, to obviate a mistake (tho’ evidently a wilful one) current among the generality of the *English* historians, as if the presbytery of *Edinburgh* alone had done all this by their sole authority. The copy of the complaint and deliverance thereon, which they borrow from *The Large Declaration*, was, no doubt, that of the presbytery of *Edinburgh*; but that the said presbytery assumed an universal dominion over the bishops of *Scotland*, as well without, as within their own bounds, as *The Large Declaration* doth assert, will no more follow, than that every other presbytery, to whom that complaint was presented did assume the same authority. Now, that it was presented to other presbyteries beside *Edinburgh*, is evident from their own shewing in that *Declaration*, where, page 255, &c. they insert the whole resolutions of the tables relative to this matter, every one of which might be adduced in support of this allegation, but we only recite the *tenth* article, which runs thus, ‘ That, in case the presbytery where a
 ‘ bishop hath his residence, or where he hath
 ‘ his cathedral and episcopal seat, refuse to receive this complaint, or refer the same to the assembly, or to admonish or cite the bishop delinquent before the assembly, to answer

A remark on the censurers of this conduct,

and they censured by their own shewing,

1638. *W*swer to the complaint, the complainers to the presbyteries, upon their refusal, take instruments in the hands of the clerk of the presbytery, or any notary, and protest, that their refusal of the ordinary care of justice procured (without doubt, by the bishop of that diocese complained of) be a formal citation of him; which protestation they may affix upon the dwelling-house of the said bishop, or upon his cathedral church, or the prime church within the presbytery; and that they may deal with any other presbytery within the diocese who is better disposed, and, upon their receipt of the complaint, will refer the same to the assembly, and cite the bishop, in manner above expressed, to compear before the said assembly.'

and the
conduct
of their
best
friends.
Collect.
p. 476.

And, to instance only one particular more, principal *Baillie* informs, that a copy of that complaint having been tabled before the presbytery of *Glasgow*, (in which we have already heard there was a considerable number of ministers favorers of the bishops) against Mr. *Patrick Lindsay* pretended archbishop of *Glasgow*, and a deliverance given by the presbytery, remitting the complaint, in respect of its general concern and great moment, to the general assembly, &c. he, the archbishop, was served by the presbytery-officer with a copy of said complaint and deliverance, in presence of two witnesses; and that, on the *Thursday* following, being a fast-day before the administration of the Lord's supper, old Mr. *John Bell*, minister of the *high-church*, made a general representation of the case to the congregation, and then gave down this complaint and presbytery-act to

John

John Anderson his precentor, by whom they 1638.
were read in the audience of all the people. ~

In like manner several presbyteries did prepare libels against such ministers in their bounds as had been scandalous in their conversation, or had vented *Arminian* or popish doctrines, several of whom were remitted simply to the general assembly, and others of them judged on in part by the presbytery themselves, as, a libel against Mr. *David Mitchell*, one of the ministers of *Edinburgh*, whom his presbytery suspended for heterodoxy, &c. notwithstanding the lord commissioner did interpose in his behalf, and at last charged them by a macer not to proceed against him.

Others beside the bishops prosecuted, Ibid. p. 447.

At this time also the town-council of *Edinburgh* caused cite messrs. *Ranken* and *Brown*, two of their regents, to answer for sundry things laid to their charge: Mr. *Ranken* was then in *England*, but Mr. *Brown* compeared, and offered to clear himself of all that he was accused of; however, his process was short; the council told him that both he and Mr. *Ranken* held their office during pleasure, and it was not their pleasure that either of them should continue there longer; whereupon programs were affixed for the filling up of their places with others who should be more ready to comply with the measures of the time.

Two regents turned out at *Edinburgh*, Ibid. p. 480.

The bishops and their friends having been unable to defend themselves against so universal and narrow a scrutiny into their lives, and yet disposed to shew their resentment as amply as they could, they thought of no less than a declinature of the assembly, tho' indicted by authority of their sovereign, and pre-
tended

The bishops prepare a declinature, *Large Declar.* p. 248.

1638. tended to assign a great many reasons, which were afterward said to have been revised by the king; the substance of which we may give when we come to shew the use which was made of them. The copy of this declaration, inserted in *The Large Declaration*, hath only the subscriptions of the two archbishops, and the bishops of *Edinburgh, Galloway, Ross, and Brechin*; but, according to Mr. *Baillie*, the lord commissioner having been at pains to procure subscriptions thereto, there were about twenty hands, at most, obtained to it, and that some few others, particularly eight from the presbytery of *Glasgow*, made a form of protestation by themselves, but they fell from the same, and would not use it.

Collect.
p. 576.

Cautions
to be ad-
verted to
preced-
ing the
assembly,
Ibid. p.
474.

Matters being so far ripened for the assembly, the *tables* gave forth as their last advice to their brethren, that all the noblemen who subscribed the covenant should meet at *Glasgow* on the 17th of *November*, being the *Saturday* preceeding the down-sitting of the assembly. 2. That all the elders chosen as commissioners to the assembly should be up against that time, and with them four gentlemen as assessors, who should give their advice to the elders in that common cause. 3. That each borough should appoint two, four, or six (according to their number and quality) of the most judicious among them for the same purpose. 4. That the 4th of *November* be spent in fasting. 5. That particular congregations take care that no minister-commissioner be absent for want of necessary charges. And, 6. that where any had been deceived or compelled to subscribe the court-covenant, the ministers of the place should

should take their declaration in writing, or before the session. 1638.

To prevent the effect of this advice, the privy-council were prevailed on to issue their act prohibiting any commissioner to carry more attendants with him to the assembly, than those of his own family and ordinary retinue; but, when this was proclaimed, the covenanters did protest, that all might go thither who had interest as parties, witnesses, voters or assessors; and that all might come with such a retinue and equipage as the councillors should give example of.

A proclamation to dis-appoint this, Ibid. p. 577.

And lest this device should fail, by *Traquair's* advice, all those commissioners to the assembly, who could for any civil cause or pretence be got denounced, were put to the horn, for not payment of their taxations or debts, some few days before the down-sitting of the assembly, that so the assembly might be deprived of many members; but against this a long paper of reasons was offered, arising from the following topicks, viz. 1. Civil and ecclesiastical societies are distinguished, their members, rights and privileges are distinct; the entry into these societies and extrusion are different; one may be a member of the commonwealth and not of the church, *et e contra*; the entry to the church is by baptism, to the commonwealth by birth; abscision from the commonwealth is by declared rebellion and treason, from the church by excommunication; so that a man, altho' cut off by excommunication, be no member of the church, yet, without declared rebellion, he continues a member of the commonwealth, *et e contra*.

and attempt to cut off members by horning, Ibid.

Reasons against this, Ibid. p. 675.

1638. 2. Unless this distinction be observed, horning will be a real excommunication, *et e contra*. 3. Persons at the horn may use all other privileges, as to preach, &c. And therefor, &c. 4. As there is no warrant in God's word for excluding any except declared heathens and publicans, so there is no act of our kirk for excluding any at the horn. 5. For acts of parliament, if there were any, they could only prohibit sitting in civil judicatures. 6. Tho' acts of parliament or custom may be alledged to prohibit declared rebels to have *personam standi in judicio*, yet there is none to prohibit *pote-statem judicandi*. 7. This act or custom taking away *personam standi in judicio* is against particular persons, *et in causa propria*, not against incorporations, as presbyteries or universities. 8. If horning shall inhibit general assemblies, then by consequence other judicatures, and so doctrine and discipline may be thereby subverted. 9. The particular horning against the nobles respecting the taxation, they have sought a suspension upon this ground, that the body of the country will not pay it, being employed in providing arms, &c. against the commonwealth. 10. If *de facto* they bid them go to ward, and so impede their right of voting, let noble spirits give a noble answer. And, 11. the horning being used, at this time rigorously, *in fraudem totius ecclesie*, it ought to be so far from being respected, that it is to be resented, and the urgers thereof to be ecclesiastically punished. Upon the hearing of these reasons the lord commissioner and council found it necessary to pass from their device, and made no use of any such exception.

Upon

Upon the first of *November* the session sat down at *Edinburgh*, and next day the marquis went thither, and desired the lords who were present, to the number of 13, to subscribe his majesty's confession; several desired a delay, and this occasioned a debate which lasted about three hours, yet, in end, nine of them did subscribe, but the lords *Durie*, *Craigball*, *Scotstarvet* and *Innerteil* did refuse for many causes, whereof the chief was the king's declared meaning then intimated to them by his commissioner, that the innovations introduced into this church since the year 1580. were not repugnant to this covenant, and because the interpretation of the said covenant did belong to the general assembly. For these reasons they did, in all humility, protest, that those doubts should be cleared by the determination of the assembly then indicted, and that their refusing to subscribe might not be constructed to proceed from disloyalty or disobedience, but meerly from a sollicitude to walk warrantably in a matter of so great importance; and thereupon took instruments.

After this the marquis declared in council, that it was his majesty's pleasure that episcopacy might be limited, but not abolished; and he urged the council to make an act approving the king's will, that it might be the greater scar-crow to the assembly; but the motion was vigorously opposed by the lord advocate, and a paper, in substance the same with the last protestation, was sent from the covenanters to the council. By these means the affair was got shifted for that time; but the advocate was complimented with many unkind words

1638.

The court of session urged to sign the covenant, *Ibid.* p. 483, 516.

Four of them refused, and protested.

An attempt on the council miscarried, *Ibid.* and *Burnet's Mem.* p. 92.

1638. words from the lord commissioner, and was charged, as his majesty's servant, to go to *Glasgow* and defend episcopacy, as he should answer at his peril; but he modestly declined that service, as what he could not answer for to God and his own conscience; whereupon the marquis discharged him from going thither at that time, which he obeyed.

A fast, Baillie, P. 479. The 4th of *November* being *Sabbath*, the same, with some following days, were, according to the advice of the *tables*, observed in solemn fasting over all the land, for a blessing on the assembly; and, for inciting their devotion the more, it pleased God to tryste them with several other disagreeable circumstances.

re
glis
est
ses,
ad.
481. About this time there was an accident which was like to have occasioned a present rupture; the mayor of *Newcastle* caused arrest a number of horses, which some of our countrymen had bought at a fair in that neighbourhood, as if bought for the service of our country against *England*; and the lord *Johnston*, when he understood this, would not suffer nolt and sheep to pass into *England*, so that hostilities were in a manner begun; but upon a letter from the king to the mayor of *Newcastle*, that arrestment was loosed, and the inhabitants of our borders did also suffer the drivers to pass thro' to *England* with their cattle.

ch.
hips, The king's ships did also trouble our coasts for a time, by stopping our ships under pretence of searching for prohibited goods; but, after they had done so for a little space, without success, they did give it over. It was suspected that their chief design in that was to have catched general *Leslie* in his passage from *Sweden*.

Sweden. This gentleman, renowned for military accomplishments, was so zealous for the Reformation in Scotland, that he caused a great number of our officers under his command to subscribe the covenant; and it was talked that he was bringing over the whole of these, and great store of warlike ammunition with him, for the assistance of his country against their king, which report, whether true or false, made it necessary for the court to look sharp out after him; yet, notwithstanding, he escaped their hands, and came over in a small vessel unmolested.

But that which gave the most uneasiness and prepare for war against us, was a rumour of great preparation making in England, both of horse and foot, against us; nor were these rumours groundless. The bishop of *Sarum* informs us, that *Hamilton* advised the king to go on in his preparations against the covenanters, and to seek assistance from the prince of *Orange*; and he inserts his majesty's letter, dated the 20th of *October*, bearing that until the adherers to the last protestation were declared traitors, nothing would go as it ought in this kingdom, with his majesty's other letter, dated the 8th of *November*, wherein he empowers his commissioner to allow the sum of 3000 *l. Sterling* to the earl of *Mar* (a favorer of the country cause) if he would resign the government of the castle of *Edinburgh*; and that the necessary precautions were taken for securing and fortifying *Berwick* and *Carlisle*, &c. And the same author informs us, that the marquis, having got the castle of *Edinburgh* into his hand, gave the command to general

1638.

w

and prepare for war against us, *ibid.* P. 478.

Mem. D. of Hamilton, P. 82, 89, 90.

1638. *ral Ruthven*, a brave officer, devoted to the king. But we leave these things, and go on to

C H A P. III.

Containing the history of the general assembly holden at Glasgow in the end of the year 1638.

Intro-
duction.

BY this time the day was well mended with the opposers of defection; the cloud that began as a man's hand had now overspread the heavens, and, from a few inconsiderable supplicants, they were become almost the whole nation, and able to speak with their adversaries in the gate of judgment, and against all opposition to build the old waste places: But, because that assembly was the most solemn, in several respects, that ever hath been in the kingdom, and yet is much unknown in the world, we will be excused for giving the following circumstantiated, tho' tedious, narration of the same.

The co-
vener-
ers came
up in
great
numbers,
577.

The commissioners from the west, hearing that the lord commissioner's train and attendants would be very numerous, they came by previous concert to *Glasgow* upon *Friday* the 16th of *November*, to secure lodgings for themselves and their friends; and next day the other commissioners to the assembly, lords, barons, ministers and burgeses, who had by appointment met at *Edinburgh* some days before, came, with their several assessors, a very great company, all into town in a body.

In

In the afternoon of that day the lord commissioner, attended by the lords of privy-council, and many other attendants, came also from *Hamilton* to *Glasgow*, and in the way was met and complimented by most of the nobility and other chief men among the covenanters, when much smooth language was spent betwixt them, the one protesting that nothing dissonant to scripture, reason and law, should be asked, and the other assuring that nothing reasonable should be denied.

On *Monday* the ministers met in three different places, because no private room could contain them all, and out of each meeting they did chuse three, being nine in all, to meet with a committee of the nobility, barons and burghesses, for ripening and preparing what they should propone in publick; but the most of their time was taken up in concerting who should be their moderator and clerk: For clerk they were of opinion that Mr. *Archibald Johnston* advocate, who hitherto had served the tables without reward, and yet with great diligence, skill and integrity, deserved that office beyond all others; but, tho' they had the same good opinion of Mr. *Alexander Henderson* minister at *Leuchars* for moderator, they doubted the expediency of putting him in that office; they expected much dispute with the bishops, or at least with the doctors of *Aberdeen*, and to take off their chief champion, by making him a judge of the party, they judged dangerous to their cause; yet, after they had seriously ruminated the matter, and that in no one of their number all the qualities necessary for a moderator, especially at that time, were to be found

1638.

and the
marquis
with a
great
train,
Ibid. p.
578.

A pre-
vious
concert
for mo-
derator
and
clerk,
Ibid.

1638. found so eminently as in Mr. *Henderson*, they judged themselves shut up to make choice of him.

A motion that the assembly begin with fasting, and that Mr. Bell should preach, agreed to, Ibid. p. 579. Next day the earl of *Rother*, and some other commissioners, waited on the lord commissioner, and proposed that, according to the ancient custom, the assembly should begin with solemn fasting, and that, in the absence of the former moderator, Mr. *John Bell*, the oldest minister of the place, and otherwise well qualified for the purpose, might begin with a sermon, and moderate in the meeting till a moderator were chosen. To the first his grace agreed immediately, but not to the second; yet, after advising with Mr. *Balcanqual*, he sent him to desire Mr. *Bell* to preach on the *Wednesday*, and to moderate till another were chosen.

The fast intimated, and preachers appointed, Ibid. p. 580. The same afternoon Mr. *Alexander Semerwel* did preach and intimate the fast, and that there was to be sermon in all the churches of the city next day; and, after dismissing of the congregation that evening, the ministers met and appointed preachers for all the churches during the sitting of the assembly, but Mr. *John Maxwell* refused the use of his pulpit to any named by them, so long as the lord commissioner remained in town.

S E S S I O N

The assembly sat down in great state, Ibid. p. 581. On *Wednesday* the 21st of *November* the assembly convened in the high-church of *Glasgow*, which day, and for two weeks thereafter, the multitudes assembled were so exceeding great, that the members could not get access without the assistance of the magistrates and town-guard, of the nobles and gentry, and sometimes

sometimes, at first, the lord commissioner in 1638.
 person was pleased to make way for the mem-
 bers, but they were well accommodated after
 they got in. The lord commissioner sat in
 a chair of state, and at his feet, before and
 on each side, sat the lords of privy-council, viz.
Traquair treasurer, *Roxburgh* privy-seal, *Lorn*,
 (now *Argyll*, his father having died shortly be-
 fore) *Mar*, *Moray*, *Angus*, *Lauderdale*, *Wigton*,
Glencairn, *Perth*, *Tullibardin*, *Galloway*, *Had-*
dington, *Kinghorn*, *Southesk*, *Linlithgow*, *Dalziel*,
Dumfries, *Queensberry*, *Belhaven*, *Almont*, Sir
John Hay clerk-register, Sir *James Carmichael*
 treasurer-depute, Sir *William Elphinston* ju-
 stice-general, Sir *James Hamilton* justice-clerk,
 Sir *Lewis Stewart* of *Blackball*, and several o-
 thers. The covenanting lords and barons,
 whose names shall be mentioned in the list of
 commissioners to that assembly, sat at a long
 table in the floor, with their assessors, which
 consisted of almost the whole barons of note
 thro' Scotland, and, in general, from all the fifty
 three presbyteries, there were three commis-
 sioners (except from a very few) who sat all
 commodiously on seats rising up by degrees
 around the long table; a little table was set in
 the midst for the moderator and clerk; at the
 end was a high room prepared chiefly for the
 young nobility, viz. the lords *Montgomery*,
Fleeming, *Boyd*, *Erskine*, *Linton*, *Crichton*, *Li-*
vingston, *Rosse*, *Maitland*, *Drumlanerick*, *Drum-*
mond, *Keir* and *Elcho*, &c. but the same was
 crouded with great numbers of other gentle-
 men, and the vaults above were filled with
 ladies and gentlemen; the greatest defect,
 according to the bishop of *Sarum*, was, that

1638. in all that assembly there was not a gown to be seen, which he justly considers as an unlucky omen to the bishops.

Mr. Bell
opened
the
meeting
with a
sermon,
Row, p.
337.
Baillie,
p. 582.

The auditory being thus disposed, Mr. Bell preached from *Rev. i. 12, 13.*—*I saw seven golden candlesticks, and in the midst of the seven candlesticks one like unto the Son of man, &c.* and had a very good and pertinent sermon, sharp enough against the late innovations and episcopacy; but it was a loss to the auditory that not a sixth part of them could hear the good old man distinctly.

and so-
lemn
prayer,
Ibid. and
Crawf.
Book 9.

The forenoon's service being ended, it had been resolved to spend the afternoon in the same manner; but, tho' that was done in the other churches, it was found needful that the assembly should constitute on the day to which they were indicted, whereupon Mr. Bell came down to the moderator's chair, where, by humble acknowledgment of their sin, and of the Lord's righteousness in the judgments which had been long impending over them, by a thankful acknowledgment of the great mercy now vouchsafed them, and by fervent prayer for the out-pouring of the spirit of truth and peace upon the members convened, he did constitute the assembly in the name of the LORD JESUS CHRIST, the alone king of his church; in which duty he was so heartily joined by the members, that the most were melted down into affectionate tears.

The
marquis
gave in
his com-
mission,
which
was read
and re-
corded,
Baillie,
p. 583.

After prayer the lord commissioner gave in his commission to Mr. *Thomas Sandilands*, who had a deputation to officiate as clerk to that assembly from his father Mr. *James Sandilands*, commissary of *Aberdeen*, clerk to the last assembly

bly in the year 1618. which was in *Latin*, and 1638. may be seen in *The Large Declaration*, containing in substance, ' That king *Charles* did ' grant full power and commission to *James* ' marquis of *Hamilton* to call a general assembly in the kingdom and church of *Scotland*, ' when and where he pleased, and of doing all ' things that concerned the holding of the ' same according to the laws and practice of ' this church and kingdom.' Bishop *Burnet* Mem. D. of Ham. alleges that upon this his grace read a speech P. 94. which had been prepared at court; but, according to Mr. *Baillie*, he had no speech at that time, (tho' he admits they afterward found P. 583. him abundantly able to have done it) except that he desired his commission to be read, and the receipt thereof marked, which was done with great reverence.

Then the several commissioners from presbyteries, boroughs and universities gave in their commissions, every one almost of the same tenor, containing a power from the presbytery to three or two ministers, and one elder, to reason, vote and concur, in their name, in all things to be proponed according to the word of God and the *Confession of Faith*, as they should be answerable to God and the church, which they desired might be read and examined; but the examination of them was deferred till a moderator and clerk were chosen; in the mean time a roll of them was made up, not after the order observed in the time of episcopacy, but according to the order of some old assemblies, by which they were afterward inrolled and called upon; and this we shall insert from a copy afterward attested by

Com-
missions
to the
delegates
given in,
Ibid.

1638. by the clerk, and printed, both in justice to the memory of the venerable and honorable members, and that the reader may see, with his own eyes, that the laicks were not, as some alledge, equal in number to the ecclesiasticks.

Commissioner for the KING's majesty
JAMES marquis of *Hamilton*.

Commissioners from the presbyteries, both
ministers and ruling-elders.

A roll
of the
assem-
bly.

I. Presbytery of *Dunse*.

- 1 Mr. *Alexander Garse* minister at *Polwart*.
- 2 — *John Hume* minister at *Eccles*.
- 3 — *Thomas Swinton* minister at *St. Bathans*.
- 1 Sir *David Hume* of *Wedderburn* elder.

II. Presbytery of *Churnside*.

- 4 Mr. *George Rule* minister at *Mordington*.
- 5 — *Thomas Ramsay* minister at *Foulden*.
- 6 — *Walter Swinton* minister at *Swinton*.
- 2 *James* earl of *Hume* elder.

III. Presbytery of *Kelfo*.

- 7 Mr. *Richard Simpson* minister at *Sprouston*.
- 8 — *William Penman* minister at *Morbattle*.
- 3 *Andrew Ker* of *Linton* elder.

IV. Presbytery of *Fedburgh*.

- 9 Mr. *Robert Brownlee* minister at *Kirkcoun*.
- 10 — *James Wilkie* minister at *Crailling*.
- 11 — *Robert Cuninghame* minister at *Hawick*.
- 4 Sir *William Douglas* of *Cavers* elder.
- 5 *Robert Simpson* burgess of *Fedburgh*.

V. Presbytery of *Elfsinford*.

- 12 Mr. *John Maitland* minister at *Glenkirk*.
- 13 — *Henry Cockburn* minister at *Channelkirk*.
- 6 *John* lord *Granston* elder.
- 7 Mr. *Alexander Hume* bailie of *Lauder*.

VI. Presbytery of *Melrose*, or *Selkirk*.

- 14 Mr. *William Jamieson* minister at *Longnewton*.
- 15 — *Robert Martin* minister at *Ettrick*.
- 16 — *John Knox* minister at *Bowden*.
- 8 Sir *John Ker* of *Cavers* elder.

VII. Presbytery of Dunbar.

- 17 Mr. Patrick Hamilton minister at Innerwick.
- 18 — John Lauder minister at Tunninghame.
- 19 — John Dalziel minister at Prestonkirk.
- 9 Sir Patrick Hepburn of Waughton elder.
- 10 George Purves burgess of Dunbar.
- 11 Mr. Patrick Hume burgess of Northberwick.

VIII. Presbytery of Haddington.

- 20 Mr. John Ker minister at Salt Preston.
- 21 — James Fleeming minister at Bothams.
- 22 — John Oswald minister at Pancaitland.
- 12 John lord Hay of Yester elder.
- 13 Mr. George Gray clerk of Haddington.

IX. Presbytery of Dalkeith.

- 23 Mr. James Porteous minister at Lasswade.
- 24 — James Robertson minister at Cranston.
- 25 — Oliver Colt minister at Inveresk.
- 14 William earl of Lothian elder.

X. Presbytery of Edinburgh.

- 26 Mr. Andrew Ramsay minister in Edinburgh.
- 27 — Hary Rollock minister there.
- 28 — William Colvyn minister at Gramond.
- 15 John lord Balmerino elder.
- 16 Mr. James Cochran dean of gild in Edinburgh.
- 17 Thomas Paterson burgess of Edinburgh.
- 1 Mr. John Adamson principal of the university of Edinburgh.

XI. Presbytery of Linlithgow.

- 29 Mr. Richard Dickson minister at Kinniel.
- 30 — Andrew Keir minister at Carriden.
- 31 — James Simpson minister at Bathgate.
- 18 George Dundas of that ilk elder.
- 19 James Glen provost of Linlithgow.

XII. Presbytery of Stirling.

- 32 Mr. James Edmonston minister at St. Ninians.
- 33 — William Justice minister at Gargunnoch.
- 34 — Edward Wright minister at Clackmannan.
- 20 Sir William Murray of Touchadam.
- 21 Thomas Bruce provost of Stirling.

XIII. Presbytery of Peebles.

- 35 Mr. John Bennet minister at Kirkurd.
- 36 — Robert Livingston minister at Skirling.
- 37 — Hugh Ker minister at Traquair.
- 22 James Williamson provost of Peebles.

1638.

XIV. Presbytery of Middleby.

- 38 Mr. Simeon Johnston minister at Annan.
 39 — John Hamilton minister at Westerkirk.
 23 James lord Johnston elder.

XV. Presbytery of Lochmaben.

- 40 Mr. Robert Henderson minister at Lochmaben.
 41 — David Roger minister at Undergarth.
 24 James Douglas of Mouffel elder.

XVI. Presbytery of Penpont.

- 42 Mr. George Cleland minister at Durisdeer.
 43 — Samuel Auslin minister at Penpont.
 25 William Fergusson of Craigdarroch elder.

XVII. Presbytery of Dumfries.

- 44 Mr. James Hamilton minister at Dumfries.
 45 — William MacJore minister at Carlaverock.
 46 — Alexander Tran minister at Lochrutton.
 26 John Charteris younger of Amesfield elder.
 27 John Irvine late provost of Dumfries.

XVIII. Presbytery of Kirkcudbright.

- 47 Mr. Samuel Rutherford minister at Anwoth.
 48 — William Dalgliesh minister at Kirkcudbright.
 49 — Samuel MacLellan minister at Kirkcudbright.
 28 Alexander Gordon of Earlstoun elder.
 29 William Glendonning provost of Kirkcudbright.
 30 Robert Gordon of Knockbrex burghs of New-Galloway.

XIX. Presbytery of Wigton.

- 50 Mr. Andrew Anderson minister at Kirkinner.
 51 — Andrew Lauder minister at Whitehorn.
 31 Andrew Agnew of Lochnaw elder.
 32 Alexander MacGhie burghs of Wigton.

XX. Presbytery of Stranraer.

- 52 Mr. John Livingston minister at Stranraer.
 53 — James Blair minister at Portmontgomery.
 54 — Alexander Turnbull minister at Kirkmaiden.
 33 Robert Adair of Kinbail elder.
 34 James Glover clerk of Stranraer.

XXI. Presbytery of Ayr.

- 55 Mr. James Bonnar minister at Maybole.
 56 — John Fergushill minister at Ochiltree.
 57 — Robert Blair minister at Ayr.
 35 John earl of Cassilis elder.
 36 John Stewart late provost of Ayr.

XXII. Presbytery of Irvine.

58 Mr. Robert Baillie minister at Kilwinning.

59 — William Ruffel minister at Kilbirny.

60 — David Dickson minister at Irvine.

37 John lord Lowdown elder.

38 Mr. Robert Barclay provost of Irvine.

39 Matthew Spens provost of Rothesay.

XXIII. Presbytery of Argyll.

61 Mr. Donald MacIlvorie minister at Inverary.

62 — Nicol MacAllum minister at Kilmaw.

63 — James Campbell minister at Kilsinnan.

40 Archibald Campbell of Kilmunn elder.

XXIV. Presbytery of Dumbarton.

64 Mr. David Elphinstoun minister at Dumbarton.

65 — Robert Watson minister at Gardrosf.

66 — John Stirling minister at Badernock.

41 Matthew MacAulay of Ardincaple elder.

42 John Semple provost of Dumbarton.

XXV. Presbytery of Paisley.

67 Mr. William Brisbane minister at Erskine.

68 — John Hamilton minister at Innerkip.

69 — Matthew Brisbane minister at Killellan.

43 John Brisbane of Bishoptoun elder.

44 John Spreul burghers of Renfrew.

XXVI. Presbytery of Glasgow.

70 Mr. John Bell senior, minister at Glasgow.

71 — Zachary Boyd minister of the Barony-parish.

72 — James Sharp minister at Cozan.

45 Alexander earl of Eglinton elder.

46 David Spens clerk of Rutherglen.

47 Patrick Bell provost of Glasgow.

XXVII. Presbytery of Hamilton.

73 Mr. Patrick Hamilton minister at Cambuslang.

74 — James Johnstoun minister at Stenhouse.

75 — John Heriot minister at Blantyre.

48 William Baillie of Carphin elder.

XXVIII. Presbytery of Lanerk.

76 Mr. William Livingston minister at Lanerk.

77 — Alexander Somervell minister at Dolphington.

78 — Richard Inglis minister at Westoun.

49 Sir William Baillie of Lammington elder.

50 Gideon Jack bailie of Lanerk.

1638.

XXIX. Presbytery of *St. Andrews*.

- 79 Mr. *Alexander Henderson* minister at *Leuchars*.
 80 — *Andrew Auchinleck* minister at *Largo*.
 81 — *James Bruce* minister at *Kingsbarns*.
 51 *John lord Sinclair* elder.
 52 *James Sword* burgess of *St. Andrews*.
 53 *Ninian Hamilton* burgess of *Crail*.
 54 *Thomas Simpson* clerk of *Kilrinny*.
 55 *William Hamilton* clerk of *Anstruther-easter*.
 56 *John Tulous* clerk of *Anstruther-wester*.
 57 *James Airth* clerk of *Pittenweem*.

XXX. Presbytery of *Cowpar*.

- 82 Mr. *David Dalgliesh* minister at *Cowpar*.
 83 — *John Moncrief* minister at *Coleffie*.
 84 — *Walter Buchanan* minister at *Ceres*.
 58 *John lord Lindsay* elder.
 59 *George Jamieson* merchant in *Cowpar*.

XXXI. Presbytery of *Kirkaldie*.

- 85 Mr. *Frederick Carmichael* minister at *Kennoway*.
 86 — *Robert Douglas* minister at *Kirkaldie*.
 87 — *Robert Cranston* minister at *Scoonie*.
 60 *John earl of Rothes* elder.
 61 *John Williamson* burgess of *Kirkaldie*.
 62 *David Simpson* of *Monturpre* burgess of *Dysart*.
 63 Mr. *Robert Cuninghame* burgess of *Kinghorn*.
 64 *George Garden* burgess of *Bruntisland*.

XXXII. Presbytery of *Dunfermling*.

- 88 Mr. *John Row* minister at *Carnock*.
 89 — *John Duncan* minister at *Culrofs*.
 90 — *James Sibbald* minister at *Torryburn*.
 65 *Robert lord Burghlie* elder.
 66 *James Reid* provost of *Dunfermling*.
 67 *Gilbert Gourlay* bailie of *Culrofs*.
 68 *John Baird* burgess of *Innerkeithing*.

XXXIII. Presbytery of *Dumblane*.

- 91 Mr. *Henry Livingston* minister at *Kippen*.
 92 — *Andrew Rhind* minister at *Tillicultry*.
 93 — *William Edmonston* minister at *Kilmadock*.
 69 *Sir George Stirling* of *Keir* elder.

XXXIV. Presbytery of *Auchterardour*.

- 94 Mr. *George Muschet* minister at *Dunning*.

95 Mr.

- 95 Mr. James Row minister at Muthill.
96 — John Graham minister at Auchterarder.
70 James earl of Montrose elder.

XXXV. Presbytery of Perth.

- 97 Mr. Robert Murray minister at Methven.
98 — John Robertson minister at Perth.
99 — Alexander Petrie minister at Rhind.
71 John earl of Wemyss elder.
72 Thomas Durham dean of gild in Perth.

XXXVI. Presbytery of Dunkeld.

- 100 Mr. William Menzies minister at Kenmure.
101 — John Anderson minister at Cargill.
73 Mungo Campbell of Lawers elder.

XXXVII. Presbytery of Meegle.

- 102 Mr. George Seymour minister at Meegle.
103 — George Halyburton minister at Glenislay.
74 James lord Cowpar elder.

XXXVIII. Presbytery of Dundee.

- 104 Mr. Andrew Wood minister at Monyfooth.
105 — John Robertson minister at Auchterhouse.
75 David Graham of Fintry elder.
76 James Fletcher provost of Dundee.

XXXIX. Presbytery of Forfar.

- 106 Mr. John Lindsay minister at Aberlemno.
107 — Silvester Lammie minister at Glamis.
108 — Alexander Kynynmound minister at Kirmure.
77 James Lyon of Auldbar elder.
78 David Hunter, provost of Forfar.
79 John Graham bailie of Montrose.
80 Robert Dempster bailie of Brechin.

XL. Presbytery of Merns or Fordoun.

- 109 Mr. James Sibbald minister at Benholm.
110 — Andrew Mill minister at Fetteresso.
111 — Alexander Simpson minister at Conventh.
81 Sir Gilbert Ramsay of Balsmain elder.

XLI. Presbytery of Aberdeen.

- 112 Mr. David Lindsay minister at Balhelvie.
113 — William Guild minister at Aberdeen.
82 James Skeen of that Ilk elder.
2 Mr. John Lundie professor of humanity for the university of Aberdeen.

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XLII. Presbytery of Deer.

- 114 Mr. *Andrew Cant* minister at *Pitligo*.
 115 — *James Martin* minister at *Peterhead*.
 116 — *Alexander Martin* minister at *Deer*.
 83 *Alexander Fraser* of *Philorth* elder.

XLIII. Presbytery of Alford.

- 117 Mr. *John Young* minister at *Keig*.
 118 — *John Reidfoord* minister at *Kinbetrock*.
 119 — *Andrew Strachan* minister at *Tillinbill*.
 84 Mr. *Michael Elphinston* of *Balabeg* elder.

XLIV. Presbytery of Turreff.

- 120 Mr. *Thomas Mitchel* minister at *Turreff*.
 121 — *William Douglas* minister at *Forg*.
 122 — *George Sharp* minister at *Fyvie*.
 85 *Walter Barclay* of *Towie* elder.

XLV. Presbytery of Kincairden.

- 123 Mr. *Alexander Robertson* minister at *Clunie*.

XLVI. Presbytery of Garioch.

- 124 Mr. *William Wedderburn* minister at *Bathelim*.
 86 *Andrew Baird* burgess of *Bamff*.

XLVII. Presbytery of Forres.

- 125 Mr. *William Falconer* minister at *Dyke*.
 126 — *John Hay* minister at *Raffert*.
 127 — *David Dumbar* minister at *Edinkally*.
 87 *William Ross* of *Glova* elder.
 88 Mr. *John Dumbar* bailie of *Forres*.

XLVIII. Presbytery of Inverness.

- 128 Mr. *John Howison* minister at *Wartlaw*.
 129 — *Patrick Dumbar* minister at *Durris*.
 89 *James Fraser* of *Brae* elder.
 90 *Robert Baillie* bailie of *Inverness*.

XLIX. Presbytery of Tayne.

- 130 Mr. *Gilbert Murray* minister at *Tayne*.
 131 — *William MacKenzie* minister at *Tarbet*.
 132 — *Hector Monro* minister at *Nether-Tayne*.
 91 *Sir John MacKenzie* of *Tarbet* elder.
 92 Mr. *Thomas MacCulloch* bailie of *Tayne*.

L. Presbytery of Dingwall.

- 133 Mr. *David Monro* minister at *Kiltearn*.
 134 — *Murdoch MacKenzie* minister at *Contin*.
 93 *John Monro* of *Lumlaw* elder.

LI. Pres-

LI. Presbytery of *Dornoch*.

1638.

135 Mr. *Alexander Monro* minister at *Gospie*.

136 — *William Gray* minister at *Clynie*.

94 *George Gordon*, brother to the earl of *Sutherland*, elder.

LII. Presbytery of *Thurso*.

137 Mr. *George Leslie* minister at *Bower*,

138 — *John Smart* minister at

95 *John Murray* of *Penland* elder.

LIII. Presbytery of *Kirkwall*.

139 Mr. *David Watson* minister at the *Isle of Waftry*,

140 — *Walter Steuart* minister at *Sutheram-olfsay*.

And now, having inserted a roll of the members, it were ungenerous to pass over so famous a cloud of witnesses with barely naming them; and therefor I doubt not the reader, who esteems their memory, will bear with me when I add, that a more learned and pious assembly hath never been the attainment of our church: The characters by which the members are transmitted to us bespeak their learning: For, besides that the clergy of that time shew as much of it in their works as hath been afforded in any other period, when heard we of so many nobles, barons and gentlemen in any of our assemblies as in that? Few among the lay-men were below the station of the chief magistrate of a borough, or the town-clerk in some of the smaller boroughs, and consequently may be presumed to have been the most intelligent of their several societies; and for their piety, the unanimous choice made of them by those who best knew them, at a time too when a superficial profession or scanty measure of devotion was little accounted of, and when

Remark
on the
charac-
ters of
the
mem-
bers.

1638. when so much did depend upon them, is as ample evidence in their favours as can be brought of any assembly we ever had, this one thing excepted, *viz.* That many of the members, especially of the ecclesiasticks, were some way involved in the defection of the former period; but from this charge must be excepted, (1.) Our countrymen who, having fled from the persecution of the prelates in *Ireland*, were settled by presbyteries in *Scotland* after the remarkable æra in the year 1637. as Mr. *Blair* at *Ayr*, Mr. *Livingston* at *Stranrazer*, Mr. *Hamilton* at *Dunfries*, Mr. *MacLellan* at *Kircudbright*, &c. (2.) All those who, during the former period, suffered for their non-conformity, as Mr. *Dickson* at *Irvine*, Mr. *Rutherford* at *Anwoth*, Mr. *Livingston* at *Lanerk*, Mr. *Dalglish* at *Kirkmabright*, Mr. *Dickson* at *Kinniel*, and others. (3.) All who, though they did not suffer for non-conformity to episcopacy and ceremonies, were kept free of these corruptions. Mr. *Robert Douglas*, a member of this assembly, and one of the greatest men our church hath produced, justly observes in his letters quoted by Mr. *Wodrow*, 'That the bishops, before this period, removed very few, and suffered many eminent godly men to live at their charges,' of which number were a great many of the foregoing roll, as Mr. *Ker* at *Prestonpans*, Mr. *Fleeming* at *Bothams*, Mr. *Fergushill* at *Ochiltree*, Mr. *Bell* senior at *Glasgow*, Mr. *Somervell* at *Dolphington*, Mr. *Henderson* at *Leuchars*, Mr. *Bruce* at *Kingsbarns*, Mr. *Douglas* at *Kirkaldie*, Mr. *Row* at *Carnock*, Mr. *Robertson* at *Perth*, Mr. *Cant* at *Pitsligo*, &c. (4.) The candid reader will also

also judge charitably of those who, tho' they attended the bishops courts, did never swear the oath of supremacy to the king and their ordinaries, and opposed the gross corruptions of the time, particularly *Arminianism* and *Pope-ry*, as Mr. *Baillie* at *Kilwinning*, and Mr. *Ramsay* and Mr. *Rollock* at *Edinburgh*. And it must be admitted as a *salvo* for those who were most guilty, that ere his time they had publickly confessed and forsaken their former courses, and returned unto the Lord by solemn fasting, yea and covenanting too, as is abundantly evident from the foregoing history, and Messrs. *Blair* and *Livingston's* lives. But we go on to

SESSION II.

After prayers the moderator *pro tempore* signified his earnest desire that the assembly would proceed to the choice of a moderator; whereupon the lord commissioner demanded that his majesty's letter to the assembly should be read, the amount whereof was a command, "That the assembly would give the same reverence and obedience to *James* marquis of *Hamilton*, his commissioner, as if he himself were personally present; and promising that whatever his said commissioner should offer in his name, he would ratify the same;" which demand was no sooner made than obeyed, and the letter registered in the books of the assembly.

The lord commissioner produces the king's letter to the assembly, *Crawf. B. 3.*

This order obeyed, Mr. *Bell* requested the lord commissioner again to allow the assembly to proceed to the choice of a moderator; his grace protested he was willing to give way thereto, but alledged that they ought first to proceed to the tryal of the commissions, that they

The motion for a moderator, opposed by the commissioner, *Journal.*

1638, they might know who had a right in the choice of a moderator, and who not.

The ice being once broken, a tough dispute ensued betwixt the lord *Traquair* and Sir *Lewis Stewart* (who in the absence of the advocate sustained his place) on the one part, and the lords *Roths* and *Lowdown* (for *Balmerino*, who was as able as any of them to have spoken well, held himself quiet) with Messrs. *Dickson*, *Henderson*, and *Livingston senior*, on the other.

The reasonings on this head,

Crawford
B. 3.

With what reasons the lord commissioner and his assessors supported their plea, all my authors, even *The Large Declaration*, and bishop *Burnet*, are silent; but by the others it was argued, that an ecclesiastical moderator behoved to be chosen before the commissions were examined, (1.) " From the constant
" practice of this church. (2.) Reason saith
" that the assembly should ascend by degrees
" to its constitution, from a promiscuous con-
" vention to a number instructed with com-
" missions from the several kirks of the king-
" dom, unto whose commission so much re-
" spect is due, that they be presumed to be
" for the most part valid, at least have a vote
" in chusing a moderator to themselves, by
" whose means every commission may be
" more exactly tryed. (3.) It is one of the
" points of the freedom of the assembly, that
" the commissioners chuse their own modera-
" tor immediatly after the exhibition of their
" commission, lest any thing which concerns
" them be done irregularly, without their con-
" sent, in the meeting where they are present.
" (4.) The tryal of the commissions is one of
" the weightiest matters of the assembly,
" and

“ and never was the validity of them discussed 1638.
 “ before the moderator was chosen, and the
 “ judicatory brought to a frame, so far as the
 “ whole might judge of every part, nor can
 “ they be discussed till the judicatory be con-
 “ stituted in the manner which by the law has
 “ authority to judge thereof. (5.) It was
 “ required, in all the supplications for a free
 “ assembly, that the questions belonging to
 “ the manner and matter of assembling should
 “ be referred to the assembly itself, and now,
 “ seeing an assembly is indicted, therefor a
 “ formal assembly must once be made before
 “ any question belonging to them can be right-
 “ ly discussed, which cannot be done till a
 “ moderator be chosen by common consent
 “ of the church now convened by her repre-
 “ sentatives. (6.) Seeing the commissioners
 “ present do represent the churches from
 “ which they are commissioned, and come
 “ with proper instructions, it were a wrong
 “ to the several churches here convened by
 “ their delegates not to suffer them to embody
 “ themselves, and to draw their own mem-
 “ bers to some orderly frame, that at the first
 “ entry they may proceed regularly.”

These reasons having been insisted on at great length, the lord commissioner and lords of council retired into the chapter-house, where they consulted together for a good space, and, at their return, his grace condescended to permit the choice of a moderator, under protestation that the same should not import his approbation of any commission against which he should in due time propone just exceptions, or import his acknowledgment of any delegate

The choice of a moderator yielded to under protestation, *Baillie, p. 585.*

1638. delegate for a lawful member of this assembly; upon which he took instruments. — In like manner his grace did protest, that the nomination of a moderator should noways prejudice the lords of the clergy in their office, dignities, or any privelege which law or custom had given to them; upon which he also took instruments.

Answers
to the
protest,
Ibid. and
the *Journal*.

In answer to these the earl of *Rothes*, in name of the commissioners from presbyteries, boroughs and universities, did protest, (1.) That the lord commissioner's protestation should noways prejudice the lawful commissions produced by them, nor the freedom of the assembly, nor afford any ground of quarrel against the same, or its proceedings, in time coming, in regard they did offer to hear all objections at discussing the particular commissions. (2.) That the assembly, then to be fenced *in the name of the Son of God*, should, in all time coming, be esteemed and reputed a free general assembly, and that it should be lawful to them to extend the said protestation, and reasons of the same, before the assembly were dissolved. And, (3.) that no protestation made in favours of the privileges of the archbishops and bishops should be admitted, till they and their rights and privileges, complained upon by the most part of the kingdom, in their summons, be tryed, and either allowed or disallowed in that assembly; and that the determination of the same by the assembly, according to the word of God and *Confession of Faith*, should be esteemed and observed as most just and lawful. Likeways the lord *Montgomery*, in name of the complainers against the bishops, did

did protest that his grace's protestations should not prejudice the discussing in that assembly, of their complaints against the persons, titles, dignities and privileges of the pretended bishops. Upon which several protestations, these lords *respective* asked and took instruments.

By this time Mr. *Bell*, hoping to be relieved, did renew the motion for chusing a moderator, but was interrupted by the lord commissioner, who represented that there was presented to him a paper in name of the lords of the clergy, and craved that the same might be read instantly. Upon this, some reasoned so sharp against the motion being listened to till a moderator was chosen, that his grace was offended, and, by the authority of his royal master, he did require the reading of that paper; but on a sudden there arose a tumultuous clamour, crying, *No reading, no reading*, which did farther incense his lordship, and was displeasing to the most of the members. This outcry being hushed, the lord commissioner did protest that their refusing to hear that paper was unjust, and that it was injurious to call the archbishops and bishops *pretended*, while the acts of parliament did authorise them. Against which the delegates from the presbyteries did also protest, that the bishops behoved to be taken for pretended till the assembly should try the challenges which were given in against them; but promised, at the same time, that, so soon as a moderator was chosen, any paper which his grace desired to be read should be heard.

And now it was expected that every one had been weary of protesting except the clerk;

Q q q

who

The motion for a moderator renewed, but obstructed, Baillie, p. 586. and the Journal.

1638. who received a piece of gold with each, but, beside their hopes, a new bone of contention was thrown in amongst them; the lord commissioner did inform, that his majesty had wrote letters to six of the councillors, viz. The lords *Treasurer* and *Privy-Seal*, *Argyll*, *Lauderdale*, *Carnegy*, and *Sir Lewis Stewart*, to be his assessors, not only for council, but also for voting in the assembly. The earl of *Argyll*'s letter was publickly read, and the lord commissioner urged that his majesty's desire should be condescended to before any farther procedure. To this it was answered, with all respect to the worthy nobles named, that the lord marquis, in the produced commission, was appointed sole commissioner; that assessors were only for council, and not for multiplication of votes; that the king in person would require but one voice, and that the giving of more to the assessors might give way not only to very many, as in some assemblies had taken place, but to so many as by plurality might overway all. Against this refusal his grace did protest with some grief, and was in like manner answered with great concern.

Mr. Henderson chosen moderator, *Ibid.*

At length, all objections against chusing a moderator being overcome, Mr. *Bell* did put upon a leet with Mr. *Alexander Henderson* minister at *Leuchars*, Mr. *John Ker*, Mr. *John Row*, Mr. *James Bonnar*, and Mr. *William Livingston*, all except Mr. *Henderson*, old and unfit for the fatigue of that office, (for Messrs. *Dickson*, *Ramsay*, *Rollock*, or any other who might have been acceptable next to Mr. *Henderson*, were purposely kept off, lest the votes had been divided) and

and so, the leet being put to voting, the choice 1638. centred in the great Mr. *Henderson*, without a contrary voice, or even a silent member, unless the lord commissioner was so (for it was his custom rather to give a kind of permission, than say any thing that might import a direct assent, resolving, it seems, to keep himself so free, that he might, when he would, disavow all that was done.) The moderator being thus chosen, he did, by solemn prayer, constitute the assembly, *de novo*, in the name of the LORD JESUS CHRIST; for, "among that
"man's other good qualifications (saith princi-
"pal *Baillie*) this was one, a faculty of grave,
"good and fervent prayer, ever suited to the
"matter in hand, which he exercised with-
"out fainting to the end of the assembly." After prayer he made a pretty oration for the encouragement and direction of his brethren; and then it was resolved on by the assembly, that, in respect of the shortness of the day, and severity of the season, they should have but one session in the day.

SESSION III.

The first thing to be done at this diet was the choice of a clerk to the assembly; but, as soon as this was moved for by the moderator, it was opposed by the lord commissioner. His grace, whether of intention to have a clerk on whose submission to injunctions he could depend, or to shew his sympathy to the old clerk, insisted that Mr. *Thomas Sandilands* his son who was present, and had a deputation from his father, might be continued in that office, and desired

The
comissi-
oner op-
poses the
choice of
a clerk,
Ibid. p.
388.

1638. desired the young man might be heard to speak for his interest. Upon this Mr. Sandilands informed the assembly, that his father had that office by demission from Mr. Thomas Nicolson the former clerk; that he was secured in it by act of the assembly 1616. that he had continued to discharge it dutifully till now, when, infirmity and old age having overtaken him, he had given a deputation to the informer, who demitted his interest to the consideration of the assembly.

Mr. Sandilands claimed to be clerk, *Ibid.* p. 589.

but objected to, *Journal* for the day,

To this it was answered, that Mr. James Sandilands had not his office by the voices of a free general assembly; that such right as he had was not transmissible to another without the assembly's consent; and that the man, thro' age and infirmity, was *civiliter mortuus*, unable to discharge his office, and his son unwilling to attend at *Edinburgh*, where, in respect of the general resort, the registers of the church ought to be kept; therefor any personal loss or prejudice which Mr. Sandilands could sustain by the want of that office, behoved to give way to the prejudice which the publick would sustain by his having it.

and the place found vacant, *Baillie*, p. 589.

The motion for assessors renewed, *Ibid.*

For these, and many other reasons, (for there was more dispute concerning that matter than was decent) the assembly found the place vacant, and the said Mr. Thomas Sandilands, with Mr. Archibald Johnston advocate, and two others, were put on a leet for election; whereupon the lord commissioner did renew the plea for his assessors votes. He craved that his majesty's letters to them, and his protestation upon refusing their votes, might

might be read, which was done; and then 1638. his grace, assisted with *Traquair* and Sir *Lewis Stewart*, did urge a present compliance with his majesty's pleasure in that particular, and alledged that was the custom in the time of king *James VI.* of worthy memory, a privilege from the possession of which his majesty ought not to be debarred *brevi manu*; yet still the moderator and others opposed the demand, professing their great regard to his majesty's commands, and to their lordships who were named as assessors, but that they were as strongly bound to be zealous for the church's liberty, who was the mother of them all, and alledged that, by yielding in this particular, they would prejudice her liberty in a variety of instances; whereupon the lord-commissioner renewed the protest which he had taken yesternight, and the lord *Lowdown*, in name of the commissioners to the assembly, gave in reasons, of a pretty high strain, why the lord commissioner and his assessors ought to have but one vote. The substance of a part of these are in the answers to the protest taken on the same ground at the former session, and what seemed new in them was as follows.

(1.) Because the general assembly is an ecclesiastical meeting of ecclesiastical persons, all ministers or elders, representing particular presbyteries who cannot all convene, and the civil magistrate does not represent any of them, and so cannot vote, either *virtute sui officii*, for then that right were competent to all civil magistrates, supreme and subordinate, *semper et ubique*, to papists, *Turks*, &c.

and a protest taken for rejecting assessors, *Ibid.*

Answers thereto, *Baillie*, p. 680.

1638. *Ec.* nor yet *virtute representationis*, seeing he
 wants a commission from a particular presby-
 tery. (2.) Because, *præses politicus ordinis*
causa had no voice in ancient councils, nor
 should have any vote in assemblies, except
 he be privileged by a particular act for the
 same. (3.) Because there were thirty nine
 assemblies in this kingdom before ever his
 majesty or his commissioners sat in assembly,
 and after that they never had an act of assem-
 bly for more votes than one. (4.) The king's
 commission bears no assessor, but only author-
 ises the marquis for his sole commissioner; they
 cannot vote for him from whom they have not
 a commission, and, if they had, it behoved to
 be under the great seal, and would contradict
 the marquis his sole commission, and be e-
 qual to his in this assembly. (5.) If assessors
 had power to reason and vote as well as the
 commissioner, there would be no difference
 between their power in this assembly, and
 they would be like *conjuncti delegati judices*, and
 then contrariety of voices would nullify their
 vote. If the king's majesty were present,
 could it agree with his dignity to have as-
 sors voting equally with him? And the lord
 marquis his commission, bearing, *Ac si ipse*
rex ibidem ad esset sustinens ejus personam secun-
dum legem et praxin, this must be taken
 conjunctly, and not disjunctly, with the acts
 and practice of the church, and not accord-
 ing to any corrupt practice contrary to the
 acts of the church. And (6.) altho' the as-
 sessor had power of reasoning, it behoved
 only to be after the assembly is constituted,
 after

‘ after licence craved of the moderator, after 1638.
 ‘ the reasoning of the commissioners them-
 ‘ selves, and only by proponing questions
 ‘ *animo edificandi, non tentandi*, out of a doubt
 ‘ of conscience against the assembly’s propo-
 ‘ sitions or apparent conclusions, but noways
 ‘ against any of the *Confessions of Faith*, in doc-
 ‘ trine or discipline, now sworn to by the
 ‘ whole kingdom for the third time.’

Of these reasons *Traquair* craved a double, and promised to answer them, but he never found leisure for the employment.

Further altercation being put off, and the roll called on the vote for a clerk, it carried almost unanimously for Mr. *Archibald Johnston*, who, having given a solemn oath for his fidelity, diligence, and conscientious keeping and using of the registers, was admitted to all the rights, profits and privileges which any in that office had formerly enjoyed, and instruments were taken both of his admission and acceptance.

Mr. *Johnston* having been thus installed, the moderator required that all who had any of the books or acts of former assemblies should put them in his hand; whereupon Mr. *Thomas Sandilands* exhibited two books containing some acts from the 1590. to the assembly at *Aberdeen anno 1616*. with some minutes of the acts of the said last assembly on a paper apart; as also the minutes of the assembly at *St. Andrews anno 1617*. and the acts of the assembly at *Perth anno 1618*. subscribed by his father, all which he delivered in presence of the assembly; and being farther interrogated concerning the rest, he solemnly averred that his

Traquair under- took an answer,

Ibid. p. 590.

Mr. *Ar- chibald Johnston* chosen clerk, *Ibid.* and *Journal*.

The church records ordered to be put into his hand, and part of them given up by Mr. *Sandi- lands*, *Ibid.*

1638. his father received the above, and no more, from the archbishop of *St. Andrews*, and that, to his knowledge, he had no other registers belonging to the church.

A motion for recovering the rest, *Ibid.*

So many registers being still wanting, the moderator bewailed the loss, and exhorted all to contribute their endeavours for recovering them, seeing they were the *magna charta* of the church of *Scotland*, containing all her privileges since the *Reformation*, and extremely needful for casting light on several matters to be then handled. The lord commissioner did also profess his willingness to aid the assembly in so good a work, and the earl of *Roths* did put them on the scent, by reminding them that king *James* had sent an order to Mr. *Thomas Nicolson*, who preceded Mr. *Sandilands* as clerk to the assembly, to deliver the registers of the church to the archbishop of *St. Andrews*, and moved his grace for an order to oblige the bishops to deliver up what they had of these registers.

and these exhibited by the clerk, *Ibid.*

P. 591. and the *Journal*.

Upon this Mr. *Archibald Johnston*, (who, till now sat quiet, that all that the assembly knew concerning these registers might be brought out,) gave them an evidence how deserving he was of the trust reposed in him, by producing on the table five books, which, with the two registers given up by Mr. *Sandilands*, were, he said, sufficient to make up a perfect register of the church from the *Reformation*. He informed the assembly that the first two contained the acts of assembly from the *Reformation* to the year 1572. and were signed by Mr. *John Gray* their clerk; the third contained the acts of assembly from that to the year

1579.

1579. except that a few leaves, from the 1638. 22d to the 27th, which contained archbishop *Adamson's* process, were torn out: The fourth contained the acts of assembly from the year 1586. to the year 1589. and were written and signed on the margin by Mr. *James Ritchie* and Mr. *Thomas Nicolson* clerks successive: And the fifth and greatest volume contained the acts of assembly from the year 1560. to the year 1590. and was margined by the hand-writ of the assembly-clerks. And farther he informed the assembly, that he received the first four from *Alexander Blair* writer, who was first servant to Mr. *Robert Winram* depute-clerk to the modification of stipends, and succeeded him in that office under Mr. *Thomas Nicolson* clerk to the assembly; and, for the fifth, that he had it only in loan from a minister.

How he came by them accounted for.

This discovery did greatly rejoice the hearts of every one, and when the moderator proposed that a course might be taken for trying the authenticity of these registers, Mr. *John Row* told them, that he had in his hand a copy of the *Book of Policy*, subscribed by Mr. *James Ritchie*, which would tend to cognosce his hand-writ: And Mr. *Johnston* added, that he had the original *Book of Policy*, written on lombard paper, which would also conduce to that end: Yet, after all, that they might build on a sure foundation, the moderator desired that these books might be examined by *Argyll*, *Lauderdale* and *Southesk*. *Argyll* professed his willingness to bestow his pains that way, but the lord commissioner would not allow his assessors, seeing they were precluded of a vote,

A committee named to examine these books, *Ibid.*

1638. to do the drudgery of the assembly: Upon which, principal *Adamson*, with Messrs. *Andrew Ramsay*, *James Bonnar*, *John Row*, and *Robert Murray*, ministers, with Mr. *Alexander Gibson* younger of *Dury*, Mr. *Alexander Pearson* advocate, and Mr. *Alexander Wedderburn* clerk of *Dundee*, three of the assessors to the assembly, were appointed a committee to peruse, examine and cognosce the said books, and to report their diligence to the assembly so soon as they could overtake the same, which they did, as we shall notice in its place.

The moderator proposed the trying of the commissions, but the commissioner urged the reading of the bishops declination. *Baillie*, p. 591.

Reasonings on that point, *Journal*.

This affair having been proceeded in as far as it could for the time, the moderator proposed that the assembly might proceed next to try the commissions of the delegates, that so the assembly might be fully constituted; but the lord commissioner required that Dr. *Robert Hamilton*, who had come to him the day before with a paper from the lords of the clergy, might first be heard; he called for the doctor, caused him present his paper to be read, and urged, that, seeing the objections concerning a moderator and clerk were removed, that paper might be now heard. It was answered over and over again, that this could not be till the commissions were discussed, and the assembly fully constituted. *Troquair* alledged, that the paper had exceptions against the lawfulness of the election of the commissioners, which were unreasonable to propone if once the commissions were approven. The lord commissioner assured the assembly that he knew not what was in that paper, yet, supposing it was calculated for enlightening the members as to who were duly qualified

and

and chosen, or who not, that it was the only 1638.
time to read the same before voting. *Rothés*
replied, that exceptions against particular dele-
gates could not be proponed till their com-
missions were tried, and exceptions against the
whole assembly could not be heard till it were
fully constituted: And so, after a long dispute
between the lord commissioner and *Traquair*
on the one part, and *Rothés*, *Lowdown*, and the
sheriff of *Teviotdale*, on the other, in which it
was discovered that the paper did contain a
protestation against the whole members; that
the bishops were seeking not a bare reading,
but examination of the points contained in it;
and fearing that the lord commissioner aimed
at taking the judgment of commissions to him-
self, the assembly over-ruled the motion till
the commissions were tryed, but promised that
the papers now offered should have the first
hearing after that; whereupon the lord com-
missioner did protest, that the not reading
of that paper before trying the commis-
sions should infer no prejudice to the lords
of the clergy and their adherents, and of
this protestation he required an act from
the new clerk. Mr. *Johnston* answered, that
he could write no act without a warrant
from the assembly, and it could not give a
proper warrant till it were fully constituted.
Whereupon his grace said, if that was refused
he would take instruments in the lord register's
hands. Mr. *Johnston* replied, that he was
willing, at the moderator's desire, to write
his grace's protestation, but alledged that he
could not give out an extract of the same till
the assembly were constituted; and thereupon
he

The
reading
deferred,
Ibid.
P. 594.

The
commis-
sioner
protested
against
this,
Ibid.

1638. he was set to framing, and, with difficulty, made out a protest to his lordship's mind; for his grace declared, that, tho' he was a great commissioner, yet, as a poor subject and servant, he was liable to account, and was therefore bound to be punctually circumspect. Yet after all *Traquair* made a new motion, that the paper might be read before the commissions were read, and the consideration of it might be deferred till the assembly were fully constituted. *Lowdown* answered, that it was no ways competent for them to hear a paper as judges, before they were found to be judges. And, when they had harped a considerable time upon that string, *Argyll* put in his word, and alledged, that, as a party does give in exceptions against an assize before the assize be sworn, so, if the bishops had exceptions against the assembly, then was the season for proposing the same, when the members, tho' called and conveened, were not yet tried. This, it seems, pinched the moderator, for, with some warmth, he retorted, that the lord commissioner had sufficient abilities himself for discharging the trust reposed in him, and that his lordship only should speak there; that the assembly were not to be diverted from their business by all the exceptions which a number of witty noblemen might make; and that those who were not commissioners would do well to take a proper time for informing his grace of what they thought needful. This check was more intended for others than *Argyll*, who would have taken the same worse if it had fallen on their fingers; yet, lest *Argyll* had been fired with that match, *Lowdown* diverted

The
motion
renewed
by *Tra-*
quair,

and pro-
secuted
by *Ar-*
gyll,
Ibid.

diverted it by a quick jest, that my lord *Argyll*'s example would have held, if the bishops had once compeared as pannelled men before an assize; and so that tedious and irksom plea ended in an adherence to the resolution already taken, and a renewal of the lord commissioner's protestation.

1638.

but over-ruled by the assembly, Ibid.

SESSION IV.

This day it was near noon ere the assembly sat down, owing not so much to the lord commissioner's being sumptuous in his entertainment, tho' that he was even to magnificence, as to his frequent consultation with his assessors, and other lords of the privy-council, and long informations and letters to the king; for, according to the bishop of *Sarum*, it was about this time that the marquis ' foresaw he could ' not run a great way with the assembly, and ' that they were beginning, in their cabals, (or rather in the bishop's brain a long time after this) to threaten to seize on his person, and ' on such of the council as should withstand ' them, but he resolved not to quit the grounds ' were laid down to him, follow on it what ' would; yet, finding afterwards that there ' were surmises of designs upon his life, (for what person intending evil does not judge that others act accordingly?) he judged himself bound to let his majesty know all he understood. — Therefor he sent up Sir *James Hamilton* with a full account of all matters, ' containing likewise the characters of all the ' councillors, together with his advice to his ' majesty, how to reduce the country to his ' obedience,' (an advice certainly most inconsistent and unseasonable, while he was profes-

The assembly kept back by the lord commissioner's informations to the king, *Bailie*, P. 594. Mem. D. of Ham.

sing

1638, sing friendship, and pretending to adjust matters amicably.) 'Those he recommended most to the king, and of whose adherence he had received the fullest assurances, were the lords *Traquair, Roxburgh, Perth, Tullibardin, Kin-noul, Seaforth, Lauderdale, Southesk, Haddington* and *Dalziel*, but above all the marquis of *Huntley*, whose cordial affection to his majesty's service he highly magnified. His advice was that *Berwick* and *Carlisle* should be secured, of which he put the king in mind in almost every letter; that his majesty was to send a fleet of some of his ships to ly in the *Frith*, and to be plying from that to the north, to block up their trade, and also some others to ply from the *Mule* of *Galloway* to *Kintyre*, marking to the king the roads and harbours whither they might retire. Next, his majesty was to come down with a royal army, and this he was assured would either teach them or force them to reason; but because they in *Scotland* would, no doubt, upon a rupture, fall on those who adhered to his majesty, therefor he advised that there might be commissions of lieutenancy sent to the marquis of *Huntley* for the north, and to the earls of *Traquair* and *Roxburgh* for the south, that all might gather to them upon the breach. He also spared not to shew the king how the bishops had miscarried, and that their ambition had been great, but their folly greater.'

The lord commissioner disallowed business in his absence.
Baillie,
P. 595.

When the lord commissioner came to the assembly, the moderator proposed, that, for the more quick dispatch of business, his grace would permit the assembly to proceed on business at the

the hour appointed, and promised that what-
ever progress they made should be daily re-
ported to him when he came in: But his grace
answered, that he was sent by his majesty to
attend that business alone, and, that he might
be able to give a faithful account thereof, it
behoved him to be an eye and ear witness to
all that passed, wherewith the assembly were
content.

The commissions from presbyteries, bo-
roughs and universities fell next to be exami-
ned: The moderator proposed, for order sake,
that all the commissions should be read in the
order of the roll; and next, for expedition, he
urged, that, whenever any exception was made
to a commission, it should be set aside, to be
tryed afterward, but that the commissions a-
gainst which no objections were made at read-
ing should be sustained without farther tryal,
which was agreed to by all except the lord
commissioner, who said he had objections to
make against many commissions, in which he
was not yet fully instructed, and protested that
his silence should not be taken as acquiescing
in any man's commission, but that he should
be at liberty to object, either in the time of
reading, or afterward, as he should see cause.
This privilege was at first disputed, and it was
argued that his grace ought to object at the
time of reading, or not at all, yet, for peace
sake, the demand was allowed.

Amongst all the commissions there were
not above a dozen controverted, whereof one
half were afterward sustained. The commissi-
ons challenged were those of *Peebles, Glasgow,*
both presbytery and university, *Rothsay, Bre-*
chin,

The or-
der of
trying
the com-
missions,
Ibid.

protested
against
by the
commis-
sioner,
Ibid.
P. 596.

All the
commis-
sions ap-
proved
except a
few.
Ibid.

1638.

1638. *chin, Kincairden, Aberdeen, Garioch, Chanonrie*
 of *Ross, and Orkney*; the particular objections
 against which shall be referred to the next se-
 derunt, for the reading of so many commissi-
 ons may well be supposed to have exhausted
 the time of this.

SESSION V.

At this sederunt, which met by 9 o'clock,
 the commissions objected to were put to a tryal,
 when the lord commissioner did renew his
 protest for liberty to object whenever he saw
 cause.

Peebles
 objected
 to but
 sustain-
 ed,
Baillie,
 p. 595.

Against the commission from the presbyte-
 ry of *Peebles* Mr. *Robert Elliot* did protest, as
 if the same had been procured by the lord-tre-
 surer's indirect dealing. Here arose a flame
 which at first burnt hot, yet it was got hap-
 pily extinguished. *Traquair* was highly in-
 censed at this attack upon a prime officer of
 state in the face of the assembly; he inveigh-
 ed sharply against Mr. *Elliot*, and required that
 the lord commissioner might see justice done
 him, which his grace promised. The mode-
 rator admonished the lord-treasurer to speak
 of Mr. *Elliot* with that regard due to a minister
 of the gospel: And *Rothies* and others having
 pled, that the assembly were judges of what
 wrong was done to his lordship by that pro-
 testation, *Traquair* condescended to submit
 his conduct in that election to the censure
 of any one member of the assembly. The
 delegates from the presbytery did likewise
 consider Mr. *Elliot's* protestation as impeach-
 ing them, and the extract of the election and
 procedure therein was produced, which served
 to vindicate the election as regular, and the
 lord

lord *Traquair* from any avowed accession to 1638. the crime charged on him; yet, in regard there were presumptions that his lordship practised with some under cover, the only censure passed upon Mr. *Elliot* was, a few words of admonition to behave more circum- spectly.

Rothsay commission was next taken under consideration. The delegates from the presbytery of *Irvine* did object that the isle of *Bute*, in which *Rothsay* lyes, was a part of their presbytery, and, this consisting with the know- ledge of many of the members, the com- mission from *Rothsay* was rejected, only, as that isle lyes at a considerable distance from *Ir- vine*, it was thought more proper that it should be added to *Denoon*.

Commis-
sion for
Rothsay
rejected,
Ibid. p.
597.

The commission from the presbytery and university of *Glasgow* came next in order. The college, supposing they had the privilege of a presbytery, named four delegates to the assembly, (of which number was Mr. *John Maxwell* a non-covenanter) which were cast. In this tryal many checks were intended for Dr. *John Strang* the principal, both because it was supposed that stratagem flowed from him, and especially because at this time they found out his desingenuity. When the dele- gates from the presbytery were chosen, he pretended, at least, to be dissatisfied with Mr. *Maxwell* for protesting against lay-elders; and yet, at a preceeding diet of the assembly, it was discovered that, about two or three weeks before, he and seven other members of the presbytery had drawn up a protestation of the like nature; and not only so, but, this writ

The
commis-
sion
from the
college
of *Glas-*
gow re-
jected,
Ibid.

1638. having been put into the principal's hand, to be kept, till all the subscribers should agree on giving it in, he had, with the knowledge of Mr. *William Wilkie* alone, given up the same to the marquis of *Hamilton*, to be used by him as a decoy-duck for drawing in others to comply. This plot being once discovered, the subscribers were conveyed in lord *Lowdown's* lodging, and dealt with to retract that protestation. In appearance the most part did repent of their rashness; but the principal was in the greatest perplexity; the writ was not now in his power, and he knew the recalling thereof would be very displeasing to the marquis and yet he ventured to pass from the same, tho' not in such a positive and distinct manner as to gain him great credit.

Eglington's
commission
sustained,
Ibid. p.
599.

The commission from the university being rejected, the lord commissioner craved, that, in respect of Mr. *John Maxwell's* protest against the election of lay-elders, the commission to the lord *Eglington* might be set aside, notwithstanding, on tryal, it was approved. It was allowed to the university to convene, *de novo*, and grant a commission to any one delegate, but, having once mismanaged the affair, they would not be corrected; wherefor the assembly did name a committee, whereof *Argyll* was to be conveener, to visit and reform that university; yet, when that committee did at length meet, all they did was to establish Mr. *David Dickson* at *Irvine* conjunct professor of divinity with the principal, which was the more readily agreed to by the university, that they were afraid some of their number would have been deposed.

The

The next controversy respected the commission to the elders from *Brechin*, which was still hotter. A thin meeting of the presbytery had chosen the laird of *Dun*, but, the lord *Carnegie's* interest in the place being stronger, the presbytery were more fully convened, and made choice of his lordship. *Dun* judging that he was like to suffer wrong, had recourse to the *tables* at *Edinburgh*, where he had the address to obtain an approbation of his commission from a considerable number of the members, who very inadvertently gave a signed declaration to that effect upon the back of the commission, and, when the commission came to be read in the assembly, the clerk did read the approbation also. The lord commissioner, taking the advantage of that inadvertent step, required an extract of the whole. The more judicious of the assembly being sensible that the *tables* were in that step inadvertently assuming *their* work, were for shifiting the lord commissioner's demand, and alleged that his grace had no concern in that approbation, but only in the commission itself; yet, in the end, his grace having taken instruments that the said approbation was produced, and read in the assembly, both commissions were rejected.

The next contention was about the delegates from the presbytery of *Aberdeen*. This presbytery was divided into two parts, but unequally; the greater part did chuse the delegates mentioned in the preceeding roll, who were therefor approved, and the other, in favours of the doctors *Baron*, *Sibbald* and *Harvie*, was rejected, as done neither in the place of meeting,

1638.

Commission to the elders for *Brechin* rejected, *Ibid.* p. 596.

The assembly rejected a commission from *Aberdeen*, *Ibid.* p. 600.

1638. meeting, nor in the presence of a presbytery, but signed by three ministers only in their own houses; yet the assembly wished for the doctors presence, hoping by this to have got the bottom beat out of the opposition in that place; but, the doctors having disappointed their expectation, a committee was appointed to visit the *Old-Town* college of *Aberdeen*, and to take order with the disaffected ministers in that city and province.

another
from
Kincardin,
Journal.

another
from *Garioch*,
Ibid.

another
from
Rosse,
Ibid. and
Baillie,
p. 601.

It were tedious to relate so minutely the circumstances of the other controverted elections; that from the presbytery of *Kincardin* was rejected, as to all the members except one, because done by the bishop without the consent of elders or knowledge of particular kirks. The commission from the presbytery of *Garioch* was rejected in so far as respected Mr. *Andrew Logie*, one of their delegates, on account of sundry complaints given in against him; as was Mr. *Thomas MacKenzie's* commission, from the *Chanonry* of *Rosse*, for much the same reason; whereupon he produced a protestation against the assembly as made up of lay-elders; he exclaimed greatly against the *tables* at *Edinburgh*, and his name was afterward found at the bishop's declination. Upon the production of that protestation *Rothies* took instruments that the protestation might serve as evidence in any process that might afterward be intended against Mr. *MacKenzie*; and the lord commissioner also took instruments thereon, as supporting his master's cause; and, because his protestation did turne especially on the admitting lay-elders, Mr. *Andrew Ramsay* offered to argue for that office

office against any who would accept the chal- 1638.
 lenge, and to prove that it is lawful and ne-
 cessary, from scripture, from antiquity, from
 the practice of other reformed churches, and
 from the acts and practice of our own church.
 This the lord commissioner took in bad part,
 and undertook to bring forth a party; but
 when doctor *Balcanqual*, whom his grace
 had an eye to; was importuned to accept the
 challenge, he declined it. The last question
 concerning commissions respected one from
Orkney, which the assembly rejected because
 it had no subscription of presbytery or mini-
 ster, but only was subscribed by *Patrick Smith*
 a lay-man.

and
 another
 from
Orkney,
Journal.

And now, the commissions being discussed, the moderator reported the same, with a re-
 mark on the singular favour of GOD towards
 the assembly, in vouchsafing them peace and li-
 berty to treat of all such matters as should come
 before them, and recommended to them, as the
 next and only preparatory step remaining, to
 clear the authentickness of the registers, and
 that the committee named would bring in
 their report against the next sederunt.

The mo-
 derator's
 remark
 on the
 whole.

SESSION VI.

After prayer the moderator resumed the
 affair of the old registers, and the committee
 named for revising them gave in a report in
 writ, attesting before GOD, and declaring to
 the world, that these registers are famous, au-
 thentick and good registers, which ought to
 be so reputed, and have publick faith in judg-
 ment, and outwith the same as valid and
 true records in all things; and with that re-
 port

A report
 made
 concern-
 ing the
 registers,
Baillie, p.
 602.

1638. port they gave in a paper containing nineteen reasons proving the said registers to be authentick; all which, being among the printed acts of this assembly, shall therefor be here overlooked.

defiderated by the lord commissioner, Ibid.

The moderator, hoping that by these reasons the lord commissioner would have been eased of all his doubts, inquired at his grace if they were not fully removed; but tho' he professed that report had cleared his mind of several doubts, yet having, it seems, been fully resolved against consenting to any thing, he took time to advise the matter more fully.

and continued till next sederunt, Ibid.

From this, and the importance of the matter, the moderator took occasion to put off the vote till next day, and desired that all might be then ready either to object or approve these registers.

The moderator wanting assessors, was allowed to name some for himself, Ibid. p. 602, 603.

Then the moderator desired that it would please the assembly, in respect of his insufficiency for the work laid upon him, to join assessors to him. And it was answered, that the church never used assessors in times of purity, yet, if the moderator pleased, it was allowed, without the solemnity of a publick act, that he might name whom he would to consult with in private, concerning the ordering and preparing of matters to be treated in publick; and accordingly he nominated,

Ministers, Mr. Henry Rollock, Mr. John Adamson, Mr. David Dickson, Mr. David Dalgleish.

Elders, Rothes, Montrose, Lindsay, Lowdown, Balmerino, Sir William Douglas of Cavers,

Sir

Sir George Stirling of Keir, Sir Patrick Hepburn 1638.
 of Waughton, James Cochran provost of Edin-
 burgh, James Fletcher provost of Dundee, and
 Mr. Robert Barclay provost of Irvine.

The moderator inquired next if there should be any committee for private conference appointed; but Mr. *David Dalgleish* having reminded the assembly of the abuse of such privy conferences in the time of episcopacy, and the moderator himself having observed that this was particularly the case in the assembly 1616. where he was present, all were averse to that motion, only that those named by the moderator might spend an hour with him, before the publick meeting, for regulating the procedure of the day. Against this the lord commissioner protested, alledging that the ordering of matters for the assembly belonged to him. *Roths* answered, that the ordering or timing the affairs of the assembly belonged of right to the moderator; and the moderator alledged that his grace's protestation was unnecessary, in respect nothing was proponed without his audience. Nevertheless he adhered to his protestation.

Committees for private conference disallowed, Ibid. p. 603.

Next, the moderator proposed that there should be a committee named for receiving bills, references and appeals, and for that purpose he named,

A committee for bills named, Ibid. and the four-

Ministers, Mr. *David Lindsay*, Mr. *James Bonnar*, Mr. *William Livingston*, Dr. *Giuld*, Mr. *Andrew Auchinleck*, Mr. *Robert Douglas*, Mr. *William Collin*, and Mr. *George Hallyburton*.

Elders,

1638. Elders, *Cassillis, Burghley, Dundass, Auldbar,*
John Semple, and Mr. *Robert Cunningham.*

The bi-
 shops de-
 clinature
 presented,
 Ibid.

And now, many of the before mentioned impediments being taken out of the way, the long urged protestation of the bishops, and their declinature of the assembly, was presented by Dr. *Robert Hamilton* minister at *Glassford*, their procurator, and read in the face of the assembly.

An ab-
 stract of
 the bi-
 shops de-
 clinature.
 p. 248.

Of that prolix paper the curious reader may find a copy in *The Large Declaration*, of which the following is the substance. "Altho' (say they) we do acknowledge and profess that a general assembly, lawfully called and orderly convened, is a most necessary and effectual mean for removing those evils wherewith the church is infested, and for settling the order which becometh the house of God, and that his majesty *only* hath power, by his prerogative royal, to call assemblies, so that it is not lawful to convene without his royal consent and approbation, except we will put ourselves in danger to be called in question for sedition; yet nevertheless we cannot but esteem this meeting at *Glasgow* most unlawful and disorderly, and their proceedings void and null in law, for the following reasons. (1.) Because the most part, if not all the commissioners, were chosen before the assembly was indicted by the king's authority. (2.) Because the ministers who are sent commissioners to this assembly are not qualified according to act 46. parliament 3. *James VI.* by assenting to and subscribing the *Confession of Faith* in presence of the archbishops or bishops, and taking

“ taking the oaths of fidelity and supremacy. 1638.
 “ (3.) Because they refused to subscribe the
 “ *Confession of Faith* as it was enjoined by the
 “ king’s majesty in *September* last. (4.) Because
 “ they have petulantly impugned the digni-
 “ ty and privilege of the bishops, who are
 “ one of the estates of parliament, contrary
 “ to act 130. Parliament 8. *James VI.* (5.) Be-
 “ cause they have their commissions from
 “ presbyteries, who have forfeited all privi-
 “ lege, if ever they had any, of sending com-
 “ missioners to the assembly, in so far as they
 “ have deposed the moderators who were law-
 “ fully appointed to govern them by the bi-
 “ shops in their synods, and elected others
 “ in their places, contrary to act of the as-
 “ sembly 1610: and act of the parliament
 “ 1612. (6.) Because they have associated
 “ to themselves a back ruling-elder out of eve-
 “ ry session, who, being ordinarily a man of
 “ authority, doth over-rule in the election;
 “ whereas lay-elders have not sat ordinarily
 “ in presbyteries these forty years, nor ever
 “ had any voice in the election of ministers for
 “ the general assembly. (7.) Because the com-
 “ missioners to this assembly have so behaved,
 “ that they may justly be thought incapable
 “ of commission to a free and lawful assem-
 “ bly. For, 1. By their seditious and railing
 “ sermons and pamphlets, they have wound-
 “ ed the king’s honour and sovereign authori-
 “ ty, and animated his lieges to rebellion.
 “ 2. They are known to be such as have ei-
 “ ther been schismatical, refractory, and oppo-
 “ site to good order settled in the church and
 “ state; or such as having promised, subscribed,

1638. " and sworn obedience to their ordinary, have
 " never made conscience of their oath, or
 " such as have sworn and accordingly practi-
 " sed, yet, contrary to their promise and prac-
 " tice, have resiled, to the contempt of autho-
 " rity, and disturbance of the church; or such
 " as are under the censures of the church
 " of *Ireland* for their disobedience to or-
 " der, or under the censures of this church,
 " or convened, at least deserving to be con-
 " vened before their ordinaries, or a lawful
 " general assembly, for divers transgressi-
 " ons deserving deprivation. (8.) Because
 " they admit that lay-elders have a decisive
 " voice in the assembly, which is not consist-
 " ent with reason, scripture, or the practice
 " of the christian church: So that we may in-
 " treat my lord commissioner, in the words of
 " the fathers of the fourth general council of
 " *Chalcedon*, *Mitte foras superfluos*. Nor will a
 " pious prince be offended with it, but, with
 " *Theodosius* the younger, will say, *Illegitimum*
 " *est eum, qui non sit in ordine sanctissimorum episco-*
 " *porum, ecclesiasticis immisceri tractatibus*. And
 " *Rulcheria* the empress commanded *Strategus*,
 " *Ut clerici, monachi, et laici vi repellerentur, ex-*
 " *ceptis paucis illis, quos episcopi secum duxerunt*.
 " Upon this respect was *Martinus* in that coun-
 " cil of *Chalcedon* moved to say, *Non esse suum,*
 " *sed episcoporum tantum, subscribere*. (9.) Be-
 " cause the most part, if not all the commis-
 " sioners directed to this meeting, have pre-
 " condemned episcopal government; and
 " the *five articles* of *Perth*; have approven
 " their covenant as most necessary to be
 " embraced by all in the kingdom; and not
 " only have given judgment of these things
 " before.

" before-hand, but, by most solemn oaths, ^{1638.}
 " have bound themselves to defend and stand ^W
 " to the same. Now it is known, that, among
 " other reasons which made our reformers de-
 " cline the council of *Trent*, this was the chief,
 " viz. That pope *Leo* had precondemned *Lu-*
 " *ther* before the meeting of that council.
 " (10.) Because the greatest part, if not all of
 " these pretended commissioners, have decla-
 " red themselves party to the bishops of this
 " church, by their calumnies and reproaches,
 " especially in forging, devising, venting, and
 " publishing a most infamous libel, full of
 " lies and calumnies, against the bishops,
 " which they caused publish in all the churches
 " of *Edinburgh*, upon *Sunday October 28.* against
 " all charity, which doth not delight in the
 " discovery of mens nakedness; against the
 " apostle's rule, *Rebuke not an elder, but intreat*
 " *him as a father*; against the act of parliament,
 " *James VI. Parl. 8.* discharging all persons
 " to impugn or procure the diminution of the
 " authority and power of the three estates,
 " or any of them; against all lawful and for-
 " mal proceeding prescribed by acts of gene-
 " ral assembly, ordaining that all summonses
 " contain the special cause and crime, which
 " the said libel doth not; against common e-
 " quity, which admits summons only by the
 " authority of that judge before whom the
 " delinquent is to compear; now, the assembly
 " was not open when the summonses were gi-
 " ven, neither can summonses from the pres-
 " bytery be sustained for compearance before
 " the general assembly; and against all decency
 " and respect due to men of their place and
 " dignity. (11.) Because they have publick-
 " ly

1638. " ly declared, that no primate, archbishop, or
 " bishop, have place or decisive voice in the
 " general assembly, except they be authorised
 " and elected by their presbyterial meetings,
 " consisting of preaching and ruling-elders;
 " which is against reason and the practice of
 " the church in the primitive and purest times.
 " (12.) Because they deny to the primate,
 " &c. to be moderator or president of the
 " assembly, but only he who is chosen by the
 " suffrages of presbyteries and lay-men, con-
 " trary to the appointment of ancient coun-
 " cils, and according to our own laws, both
 " municipal and ecclesiastical, *annis* 1606, 1608,
 " and 1610. As for that act at *Montrose*, let
 " them answer to it that have their calling by
 " that commission. *Finally*, Seeing all pastors
 " are inferior to bishops, how absurd is it, and
 " contrary to all reason and practice of the
 " christian church, that archbishops and bi-
 " shops shall be judged by presbyters? and
 " more absurd, that they should be judged
 " by a mixed meeting of presbyters and
 " laicks, convening without lawful authority
 " of the church? And, for these reasons, they
 " did decline the assembly, and protested
 " that none of her deeds be reputed the
 " acts of the church of *Scotland*."

The
 com-
 plainers
 against
 the bi-
 shops
 protest,
*The Jour-
 nal, and
 Baillie, p.
 603.*

So soon as this long paper was read, the
 complainers against the bishops did, by the
 mouth of young *Durie*, one of the princi-
 pal clerks of session, take instruments, that
 the bishops had thereby acknowledged their
 citation, that they had compeared by their
 procurator, and therefor that their personal
 absence was wilful; and craved that Dr. *Ha-*

milton,

milton, as their procurator, might be cited *apud* 1638.
acta. This was no sooner fought than granted.

Against this, the lord commissioner did protest, and produced three other papers, one subscribed by the dean of *Edinburgh*, Mr. *David Mitchell*, Mr. *Alexander Thomson*, Mr. *James Forsyth*, and others, to the number of twenty, bearing the name of a supplication, but ending in a protest against the assembly, if elders, or commissioners chosen by them, should be admitted members. Another to the like purpose, subscribed by the two ministers of *Dundee*, and a few others in that neighbourhood; and a third by Dr. *Strang*, Mr. *John Maxwell*, Mr. *Robert Wylie*, Mr. *John Bell* younger, and four other members of the presbytery of *Glasgow*. But several of the subscribers of these papers had before that made a recantation. And Dr. *Strang*, author of that from *Glasgow*, and who had given it up to the lord commissioner, insisted, in the presence of the assembly, and prevailed that theirs should be suppressed, which his grace beheld with great wrath.

The number of opponents being so small, this gave great pleasure to the assembly, especially considering with what number of protests they had been often threatened, and finding, as it was late, that they could not make answers to these several papers that night, they recommended to a committee to bring in answers against next sederunt; and, in the mean time, as lay-elders were so much harped on, the moderator caused read some papers, in support of their sitting in assemblies, of a piece with that formerly inserted, said to have been

and the lord commissioner protested, and gave in a paper from *Edinburgh*, *The Journal*, and *Baillie*, p. 604. another from *Dundee*, *Ibid.* and a third from *Glasgow*, *Ibid.* and p. 598.

A committee named to bring in answers to the declination, *Journal*, and *Baillie*, p. 604.

1638 been drawn up by Mr. *David Calderwood* the historian, who, tho' he was no member of the assembly, having had no charge for the time, lodged in a room adjoining to the moderator's, and promoted by his studies the proceedings of the assembly.

SESSION VII.

The assembly approve the registers, *Journal, and Bailie*, p. 605.

but the commissioner protests against them, *Ibid.*

A remark on that providence, *Ibid.* p. 606.

This day the assembly met pretty early, as indeed the proceedings at that sederunt shew there was need for doing so. And the first business which came to hand was the approbation of the five new discovered registers as authentick. The moderator did often require, that, if any had ought to object why these should not be taken for authentick registers, and make faith in judgment, they might now propone the same. Upon this the lord commissioner professed his earnest desire of seeing the church restored to her registers, but that he was laid under the necessity, much against his inclination, to protest against acknowledging these books for sufficient registers, and that neither his royal master, nor the lords of the clergy, should suffer prejudice by any thing in them. Notwithstanding the whole assembly did unanimously approve of these books, as the true and authentick registers of our church, and appointed the testimony of the committee, and their reasons, to be inserted in the books of the assembly.

At the same time the moderator did remark it as one of the signal providences of God for his church, that these registers were not only preserved from destruction, but set up at their door, especially considering the great desire which

which had been shewed for burying our old 1638. assemblies in oblivion; and that the favourers of them were so negligent, that, except Mr. *Johnston*, no member of the assembly knew what was become of them. And, while the act was in framing, he took occasion to bewail the fearful rent made by the bishops in our church, which for 36 years was so united, that her unity was recorded, to her praise and commendation, among foreign churches, in *The harmony of their Confessions*; and shewed from the preface to that book, that the great cause of this unity was the purity of the church of *Scotland* beyond other churches in the point of discipline.

Some, as the author of *The Large Declaration*, make a wonder of it, how in two days men could peruse and make a judgment of such volumes, which other men (who took themselves to be no fools) thought could hardly be done in a year. But as this is exaggerating on any supposition can be reasonably made, the unprejudiced reader will call to mind, that these books came thro' Mr. *Archibald Johnston's* hands, who by that time was, no doubt, fully master of them, and in all probability had left little to the committee to do, but to prove the remarks which he had made. Besides, it will be observed, that every one of the nineteen reasons given for approving these registers, are so distinctly laid, as any who doubted might have soon tried the facts. And the moderator having several times invited all who had a mind to take such proof, no regard can be had to such objection; especially when they consider it as coming from Dr. *Balcanqual*, a man who, in consequence of the

above

A cavil,
in p.
270. of
the *Large*
Declara-
tion, an-
swered.

1638. above invitation, had as immediate access as any in the assembly to have proven the truth of the report made.

The bishops' declinature answered, *Journal, and Bailie*, p. 606.

The next purpose handled was the bishops' declinature. Two answers to it were framed, viz. one by Mr. *Archibald Johnston*, with the assistance of Mr. *David Calderwood*, and a shorter one by Mr. *Andrew Ramsay*. The shortness of the time did prevent the polishing of these, yet they were both read, and, after some short time, they were cast into a third mould, and printed. Of Mr. *Ramsay's* answer we have seen a copy in the manuscript *Journal* of this assembly belonging to the faculty of advocates; and Mr. *Matthew Crawford* hath the following copy of the other, which we the rather insert, because it is more full than Mr. *Ramsay's*, and contains the substance of the printed copy.

An abstract of the answer to the bishops' declinature, *Crawf.* B. 3.

' In the preface of their declinature they acknowledge the necessity of a general assembly called for removing distractions and settling peace in the church, and yet they have been the chief instruments to bereave the kirk of this liberty, first by prorogations from time to time, and at last by prorogation to no certain time; for they feared a lawful general assembly as much as the pope does a general council: So that their protestation is *protestatio contraria facto*.

' They acknowledge that his majesty hath authority, by his prerogative royal, to call assemblies, as is acknowledged by the assembly at *Glasgow* 1610. and by the parliament 1612. but withal they profess, that it is not lawful

lawful to convene without his royal consent 1638.
 and approbation, unless we put ourselves in
 danger to be called in question for sedition.
 We acknowledge that the prince, when he
 seeth cause, may convocate a general assem-
 bly, but, we deny that it is sedition to hold
 assemblies without his consent. The *Chri-*
stians, for the space of 300 years, held their
 councils and assemblies under the persecu-
 ting emperors, and yet were not, in so doing,
 guilty of sedition. But it will be alledged,
 that the case is different where there is a
Christian magistrate professing the same re-
 ligion. *Answ.* It is true his consent should
 be sought earnestly, but if he be negligent,
 or wilfully refuse, the kirk may hold her
 assemblies if they find necessity, for *paria*
sunt non esse et non apparere; error, cum non re-
sistitur, approbatur; et veritas, cum minime de-
fenditur, opprimatur; negligere imperium, cum
possis deturbare perversos, nihil aliud est quam
deserere.

The papists, standing for the pope's right
 to call general councils, yet maintain, that,
 if he doth not, nor will not convocate,
 they may convene without him. *Antonine de*
Rosellis, l. V. D. in monarchia, part. 2. cap. 30.
 and part. 3. cap. 3. *Antonine de Dominiis*
Arch. Spalatensis, lib. 2. de repub. eccl'es.
 cap. 7. num. 18. *Jacob. Almaynus*, all hold,
 that the church may hold a general council,
reluctante pontifice, if there be need of it. As
 the eye, seeing the body in danger, may
 give warning to the rest of the members,
 that the body may defend and preserve itself,
 so any particular kirk, seeing the necessity of
 U u u convocating

1638. ' convocating a council, may make manifest
 ' the necessity to other kirks, *et sic denunciati-*
 ' *ve congregare, non autem praeceptivè.* The
 ' ground of the kirk's right is laid down by
 ' the council of *Constance, Concilium generale*
 ' *potestatem a Christo immediate habet.* What we
 ' have alledged for general councils holdeth
 ' more firmly for national and provincial, see-
 ' ing they are more necessary than the general.
 ' A tacit consent of princes was accounted
 ' sufficient and this tacit consent was collected
 ' by their grant of liberty to profess religion,
 ' and submitting their sceptres to the sceptre of
 ' Christ. In granting liberty of religion they
 ' granted liberty to hold synods, no less than
 ' weekly meetings of congregations to divine
 ' service. That *French* catholick who wrote that
 ' treatise, *De libertate ecclesiastica*, in defence
 ' of the *Venetians*, saith, *Imperatores, cum liber-*
 ' *tatem religionis edictis suis ecclesiae concesserunt,*
 ' *simul jus liberè cogenda synodi illis attribuisse;*
 ' *nam cultus christiani hac pars est prorsus neces-*
 ' *saria & iudicis.* The act of parliament, which
 ' ratifieth the jurisdiction of the church, namely,
 ' the act of *Ja. VI. parl. 6. cap. 69.* ratifieth,
 ' consequently, the general assemblies, where
 ' all jurisdiction is ordered, and censure some-
 ' times exercised. The parliament anno 1592.
 ' did not grant liberty to hold assemblies, as if
 ' the kirk had not had such liberty before,
 ' but ratified her former liberty to hold as-
 ' semblies yearly, or oftner *pro re nata*, and to
 ' appoint time and place for the next assembly
 ' by themselves, in case his majesty or com-
 ' missioner were not present at the time; but,
 ' if any of them were present, it was provided
 ' that

that they should appoint time and place. 1638. This provision gave not a privative power to his majesty to refuse a general assembly so long as he pleased, (for then the liberty of holding general assemblies could not be said to have been ratified) but only a privilege or prerogative to appoint time and place for the yearly assemblies. The act of parliament *anno* 1612. acknowledgeth the indiction of time and place to appertain to his majesty, but doth not give a privative power to frustrate the kirk of the yearly assemblies, if he pleases, which were ratified, but that being presupposed, bindeth him to appoint time and place. For farther satisfaction we refer the reader to the reasons already hinted for holding general assemblies; howbeit this assembly at *Glasgow* was indicted by his majesty, which they acknowledge, but they hold it unlawful in itself.

Their first exception, or probation of the unlawfulness of this assembly, is taken from the time of the election of the commissioners, being elected before the indiction of the said assembly by his majesty, *September* 22. To which we answer, 1. That the commissions produced, and examined by the assembly, were all of date since the 22d of *September*, when the assembly was indicted: 2. Altho' it had been as they alledge, it cannot make null the assembly, for the election of commissioners is ever in the liberty of the presbyteries, when there is an apparent occasion of an assembly; and at this time they were put both in expectation of an assembly and a parliament. 3. They themselves procured

1638. cured commissioners to be chosen in sundry parts, anno 1617. before the assembly at St. Andrews, November 25. 1617. was indicted, upon report that his majesty would have a general assembly, but could not appoint time and place till the commissioners were chosen.

As to their second reason. That act of parliament, anno 1572. was never put in practice conform to the tenor of it and order there set down. The occasion of making of it was, because some at that time stood for the king's mother, and could not acknowledge the king for sovereign during her life, so that by her death the force of the law ceased. 2. By this reason all the assemblies of our kirk, since the abolition of bishops and superintendents, might be called in question, and we have no lawful ministers; yea, their own pretended assemblies did consist of many who could not produce a testimonial of their oath. 3. That act concerneth not all, but such as were presented to benefices; not every minister. 4. The substance of the act hath been kept conform to the later acts made thereanent; and none of the ministers convened in the assembly, but they have subscribed both the *Confession of Faith*, and bond for maintenance of the king's authority. 5. Suppose the act were still in force, yet those that had not taken it would not be deprived of their office, unless they had wilfully refused to subscribe it.

As to the third reason. We could not have refused to subscribe the *Confession of Faith* enjoined by the king, unless it had been expressly

expressly declared, that that *Confession* is consistent with all the innovations introduced, or to be introduced. We have been still ready to subscribe the *Confession of Faith* in the sense that our predecessors subscribed it.

1638.

As to the fourth. Seeing, by the ancient laws of the kingdom, all the greater prelates, that is, as well abbots, priors, as bishops, do constitute the third estate of the kingdom, they can no more be guilty of violating the laws who impugn the estate of bishops, than they who impugn the estate of abbots and priors. As to those acts by which bishops are restored, especially *anno 1584.* we answer, That they were made in a troublesom time, and were protested against when they were proclaimed; and the third estate of prelates suffered innovation and diminution, *anno 1587.* when the small barons were put in the place of bishops and abbots, and were declared to be members of the parliament, and to sit on the articles, and vote in parliament as the third estate, to supply the decay of the ecclesiastick estate. 2. But suppose that bishops were the third estate, are they guilty of lese-majesty who call them to censure for their faults, and say that they ought to be subject to an assembly, seeing they consented to the act of the pretended assembly at *Glasgow*, whereby they are made liable to the tryal of the general assembly in their life and conversation? Can they not distinguish betwixt the estate and the persons?

As to the fifth, namely, *That the presbyteries have lost the right to direct commissioners*

1638 *to the general assembly, in so far as they have*
 W *deposed their moderators, we answer, That the*
pretended assembly of Glasgow, who appointed
that the bishops should constitute moderators
in presbyteries, and upon this express condi-
tion, that there should be yearly general as-
semblies, which condition not being per-
formed, the presbyteries came in their own
place again. 2. Many of the pretended mo-
derators willingly demitted, in which case,
by the very act of the pretended assembly
at Glasgow, the presbyteries had power to
chuse their own moderators, who remained
still unchanged until the sitting down of the
assembly. 4. Suppose it were true that were
alledged, yet they cannot be said to have
forfeited their liberty of chusing commissio-
ners. Every transgression deserveth censure
or reproof, but not deprivation from li-
berties.

As to the sixth reason, viz. That in the
presbyteries lay-elders had voice in the election
of commissioners to the assembly, we answer,
Noblemen and gentlemen were chosen
elders soon after the Reformation; and
what hindereth why they may not be com-
missionate with the minister of the congrega-
tion to keep the presbytery, as they do in
other churches, especially in the churches of
France and Holland? Yea, in the second book
of Discipline, confirmed by several acts of
assembly, it is expressly concluded, that there
shall resort some elders out of every parish to the
presbytery; and by the act of the assembly
1582. the ministers are bound to exhort them
to resort to the presbyteries at all times, but for
matters

‘ *matters of weight to urge them strictly.* And by 1638.
 ‘ the acts of general assemblies anno 1563. anno
 ‘ 1582. anno 1568. annis 1595 & 1596. elders
 ‘ are appointed to be members of the general
 ‘ assembly. And, by the second book of *Disci-*
 ‘ *pline*, the elder’s office and power is to hold
 ‘ all sorts of assemblies, presbyterial, synodical
 ‘ and national, with the pastors and doctors.
 ‘ But if this custom and privilege of elders
 ‘ keeping of presbyteries, synods, and assem-
 ‘ blies, did wear out, it was the pride of those
 ‘ that were hunting after bishopricks that was
 ‘ the cause of it; for still, till the division
 ‘ began about the introduction of prelacy, el-
 ‘ ders were in church-judicatures.

‘ As to the next exception; seeing they de-
 ‘ sign no ministers in particular, that, by sedi-
 ‘ tious and railing sermons and pamphlets, do
 ‘ excite the subjects to rebellion, we hold it
 ‘ sufficient, that neither the presbyteries send-
 ‘ ing, nor the assembly admitting, do know of
 ‘ any such.

‘ As to the 8th, it is answered, We know
 ‘ none schismatically opposite to good order,
 ‘ unless they mean such as have opposed to
 ‘ their incroaching upon the liberties of the
 ‘ kirk, and their shameless usurpation. An oath
 ‘ should not bind a man to iniquity or impiety.
 ‘ The intrants did not understand what was
 ‘ the established order, from which we have de-
 ‘ clined, nor foresee the intent of the prelates
 ‘ to bring in so many novations in religion. The
 ‘ censures inflicted (if there were any) up-
 ‘ on three or four ministers, *Scotsmen*, return-
 ‘ ing from *Ireland* to *Scotland*, were inflict-
 ‘ ed for adhering to our *Confession of Faith*,
 ‘ which

1638. which manifesteth them to be faithful members of this kirk, and so fit to voice in her assemblies, especially since the censure reached no farther than *Ireland*. As for such as were under censure in this land, we know none but such as were censured by the bishops in the high-commission court, a judicature erected without consent of our kirk, or of the estates of parliament, and discharged by proclamation before they were chosen commissioners.

As to the 9th exception, namely, That laymen are admitted to have a decisive voice in the assembly, we answer, 1. Our ruling-elders are not merely laymen, but office-bearers in the kirk, and are called, in the book of *Discipline, ecclesiastical persons*. 2. If this objection hold, it will not only hold against this assembly, but against all the assemblies since the *Reformation*, for elders have had power to voice in assemblies from the beginning; and the order for choosing commissioners, with power to voice, was set down first anno 1668. among which are the gentlemen commissioners from shires; yea, the most corrupt assemblies that themselves held admitted laymen to have decisive voice. As for that saying cited out of the council of *Chalcedon*, *Mitte foras superfluos*, if they be not pleased with *Whittaker's* answer, viz. That these superfluous persons were the clergy, monks, and laicks who favoured *Eutyches*, and had no commission to the council, we hope *Gutcliff's* answer will satisfy them, who says, *Verba hæc, &c.* These are not the words of the fathers of the council of *Chalcedon*, but
Dio-

' *Dioscorus*, and the *Egyptians* who were fa- 1638.
 ' vorers of the *Hereticks*, cried this. To this
 ' same purpose they alledge the direction gi-
 ' ven by *Pulcheria*, to *Strategus* captain of *Bi-*
 ' *thynia*, to drive by force, out of the council of
 ' *Chalcedon*, such monks, clerks and laymen as
 ' did but pester the council, which was for
 ' avoiding disturbance. That saying of *Theodo-*
 ' *sius junior*, which they produce, seemeth to
 ' cross that which before they granted to his
 ' majesty and his deputies, and it is urged by
 ' papists against the definitive voice of empe-
 ' rors and kings in councils; but *Wbittaker de*
 ' *conciliis* proveth it to be forged, *quia non ha-*
 ' *betur in antiquis exemplaribus*: But we let
 ' them to understand our assemblies are not to
 ' be ordered according to the pattern of those
 ' monkish times, but according to the consti-
 ' tutions and practice of our own kirk, conform
 ' to the word of God and example of the best
 ' reformed churches.

' As to the 10th, viz. that the assembly is
 ' the adverse party, we answer, 1. Suppose
 ' what is here alledged were true of all or the
 ' most part, yet can they not be declined, for,
 ' as it was answered, at the synod of *Dort*, to
 ' the *Arminians* using the like exceptions, by
 ' this reason *Arius*, *Nestorius*, *Eutyches*, and o-
 ' ther like hereticks, could not have been con-
 ' demned justly in the councils of *Nice*, *Eph-*
 ' *esus*, or *Chalcedon*, because the orthodox teach-
 ' ers, who had impugned their doctrine be-
 ' fore, sat as judges upon their doctrine. *Ale-*
 ' *xander* and *Cyrillus* did impugn the heresies
 ' of *Arius* and *Nestorius* before the convocation
 ' of the councils of *Nice* and *Ephesus*, and yet sat

1638. in those councils as judges. 2. Suppose they
had all precondemned episcopal government,
and the *five articles* of *Perth*, they had but
condemned that which was condemned be-
fore by our kirk, and never received by any
lawful synod. 3. The acknowledgment of
episcopal government, and practice of the
five articles of *Perth*, were suspended till the
tryal of a free and lawful general assembly,
whether they were abjured by the *Confession*
of *Faith* or not. 4. The commissioners con-
vened did not judicially precondemn, but,
according to their several places and sta-
tions, gave warning of the innovations enter-
ed in, which hindered them not to alter their
minds, if they had heard any thing to the
contrary at meeting with others in the assem-
bly. 5. The examples alledged are to small
purpose. Our reformers protested against
the council of *Trent*, not only because
pope *Leo X.* precondemned *Luther's* doc-
trine, but also declared the intention of his
appointing to convocate that council was to
root out that new-start up heresy. And, as
it was answered to the *Arminians*, that that
council was not a free council, the prelates
and other members of it being sworn slaves
to the pope, and had power to determine
nothing but what pleased him to approve
by his nuncios. Likeways our first re-
formers would not be acknowledged for
doctors of the popish kirk, and had made se-
paration from them before. Also there is
great difference betwixt some of the fathers
refusing to go to ungodly councils, and their
declining a free national council, especially
being

‘ being called to purge themselves of the scan- 1638.
 ‘ dals laid to their charge. Whereas they say
 ‘ that several of the commissioners have de-
 ‘ clared themselves their party, and none ough
 ‘ to be judge in his own cause, we answer,
 ‘ The cause for which the bishops are accused
 ‘ is not the ministers proper cause, but the
 ‘ cause of the whole church; and the bishops
 ‘ themselves, *anno* 1600. did promise that they
 ‘ would submit themselves to the judgment of a
 ‘ general assembly; wherefor, seeing they con-
 ‘ descended that the assembly should be their
 ‘ judges, it is frivolous to complain of us as
 ‘ the adverse party.

‘ As to the 11th, anent that implacable ha-
 ‘ tred that we carry to the prelates, we desire
 ‘ they would prove it. It is true, that several
 ‘ of all ranks did renew the national covenant,
 ‘ but not out of intention to hurt any, not the
 ‘ bishops themselves, if they would have pur-
 ‘ ged themselves of the crimes objected against
 ‘ them: We indeed hate their vices, not their
 ‘ persons. As to their accusation and citation,
 ‘ which they call an infamous libel, we answer,
 ‘ That their letters of citation contain two sorts
 ‘ of crimes, of some whereof there was *fama*
 ‘ *clamosus*, and a reigning bruit and scandal; o-
 ‘ thers were so evident, that no witnesses
 ‘ needed to be adduced: But, if they were
 ‘ free of them, why did they not sist them-
 ‘ selves before the assembly to have their in-
 ‘ nocence purged? But, say they, why were
 ‘ they read publicly in the churches? We
 ‘ answer, Not to make them more notour, they
 ‘ being notour enough already; but, because
 ‘ some of them were absent, others lurking in
 ‘ secret

1638. *w* secret places, this manner of citation was thought most sure, seeing my lord commissioner had refused to cause cite them personally, that thereby they might shun the censure of the assembly; neither did we, by so doing, transgress the bounds of christian charity, and contemn the bounds prescribed by the apostle, for justice requireth that publick sins be publickly rebuked. The apostles reprehension is anent private malversations, but these that sin publickly, or scandalously, should be rebuked openly, whether they be old or young. The dregs of profanity are more sour and stinking in old men than in young. As to their complaint, that we did not use a lawful form, nor did according to the order prescribed by acts of general assemblies, *March 1596. and April 1582.* we answer, For the first, it is not transgressed, for the libel containeth special crimes sufficiently instructed and notorious; other crimes were subjoined, wherewith they were slandered, which were to be verified from the places where the slander did first arise. The acts of those assemblies bear no more, but that all summonses contain a special cause and crime, and that none be summoned *super inquirendis*. The libel containeth special causes, and none of them were summoned *super inquirendis*. As for the act of the assembly, *anno 1582.* ordaining that, in a process of deprivation of ministers, there be a libelled precept upon forty days warning if within the kingdom, and sixty if without, directed by the kirk, and, in case of absence at the first summons, that the second be directed, &c. we answer, That form of proceeding

ceeding was ordained for inferior judicatories who sit frequently, but the general assembly, which sits but once in the year, is not tyed to that rule. But there needs not so much noise about their citation, seeing, by their subscribing of the declinature, and compearance of their procurator, they manifested, to all, their knowledge of the citation. But, say they, *common equity admitteth summonses only by the authority of that judge before whom the delinquent is to compear.* Answer. They know it hath been the continual practice of our kirk, that inferior judicatories have cited delinquents to compear before the superior, and necessary it is so to do, because the general assembly sitteth not frequently; if every citation began at the assembly for compearance at the next, delinquents might persist in their offences, and perhaps escape all punishment.

As for the 12th exception, that the authors of the late protestation were injurious to them, in denying either primate, archbishops, or bishops, a decisive voice in the general assembly, unless they be elected by the presbyteries. Answer. The act of assembly 1597. ordained that ministers and barons should be directed with commission from presbyteries. And, in the assembly holden at Montrose anno 1600. when the cautions were concluded, it was statute and ordained, that none of them that shall have vote in parliament shall come as commissioners to the general assembly, or have vote in the same, in any time coming, unless he be authorized with commission from his own presbytery to that effect.

Which

1638. Which acts are yet standing unrepealed, neither ought to be repealed, seeing they are founded on the law of nature, and the continual practice of other reformed churches,

As to the 13th reason, we answer, That, upon just grounds, we deny the presidentship, or moderatorship, of the assembly, either to archbishop or bishop, because, by the 2d book of *Discipline*, chap. 7. it is ordained, *That in all assemblies a moderator shall be chosen by common consent of the whole brethren convened.* This freedom our assemblies ever enjoyed since the *Reformation*, until anno 1616, that archbishop *Spottiswood* began to usurp the place of moderator in that assembly; yea, in the great council at *Antioch*, against *Paulus Samosatenus*, in the time of *Galienus* and *Aurelianus* emperors, *Marcion* presbyter of *Antioch* was preses, or moderator, altho' many bishops were present, as the *Magdeburg Centuriators* testify. By the cautions at *Montrose* it was provided, that the ministers voters in parliament should not arrogate to themselves any farther pre-eminence or jurisdiction than any of the rest of their brethren, under the pain of deprivation.

As for that act of *Montrose*, (say they) let them answer to it that have their calling by that commission; we profess that we have a lawful calling by the election of the clergy, who are the chapter of our cathedrals, &c. Answer. Because they see they are not able to answer for the breach of those cautions, concluded by consent of his majesty and the ministers aspiring to prelacies, they profess plainly that they have not their calling by that commission;

sion; by which they bewray their purpose to 1638.
 deceive the church. 2. They cannot deny
 but chapters of cathedrals, and election of
 bishops by them, were condemned by our
 kirk as popish, and there is no law for it ex-
 cept the antiquated laws made in time of
 popery; for they cannot so much as pre-
 tend a warrant of any of their own assemblies
 for their election and consecration; so that,
 for the breach of these cautions, manner of
 election, and the usurpation of that office
 by consecration, they are cited before the
 assembly.

As to their 14th reason, viz *That it is absurd,*
and contrary to all reason and practice of the
christian church, that archbishops and bishops shall
be judged by presbyters, much more by a mixed
meeting of presbyters and laicks, we answer,
 By the kirk it seemeth they mean the bi-
 shops. They cite some old councils declaring
 how and by whom archbishops and bishops
 are to be judged, but this assembly consists of
 commissioners from their respective presby-
 teries, both of ministers and elders chosen
 according to the order of our kirk; and
 meetings of churchmen and laymen have
 been not only in the apostles times, but also
 in times of popery; and we are not to
 be directed by the canons of these councils
 which they cite, but by the established or-
 der and canons of our own reformed kirk,
 which are agreeable to the practice of the
 apostolical and best reformed kirks in our
 time. *Semper petunt principium,* that they are
 archbishops and bishops, which is not only
 denied, but they are summoned to answer
 for

1638. 'for usurping such offices. By the ancient
 ' canons no bishop ought to be condemned
 ' except he be judged by twelve bishops, and
 ' the accusation proven by two sufficient wit-
 ' nesses, *Causa 2. quest. 5. canone, Nullam damna-*
 ' *tionem.* And, if they must be judged accord-
 ' ing to that form, they shall never be judged.
 ' Now, seeing all their reasons are frivolous,
 ' their protestations are as frivolous, and there-
 ' for need not be insisted on.

A con-
 ference
 concern-
 ing the
 declina-
 ture,
Journal.

After reading of the said paper the chief of
 the assembly entertained a kind of dialogue
 concerning the occasion and nature of it. The
 lord commissioner alledged that the answer was
 unnecessary, in regard the declinature was di-
 rected only to him: But the moderator said, It
 was a declinature to be read before the assem-
 bly, and therefor an answer behoved of neces-
 sity to be given by them. The lord *Rotbes*,
 far from hesitating as to that, alledged that the
 assembly had not a more important matter be-
 fore them; and Mr. *Andrew Ramsay* impor-
 tuned the commissioner to attend to the decli-
 nature, as rejecting his majesty by three testi-
 monies cited by the bishops. His grace, willing
 to vindicate them, took it for granted that they
 had no such intention, but declined entering
 into the merits of the cause.

Two
 things
 wherein
 the
 strength
 of the
 declina-
 ture con-
 sists,
Ibid.

Then the moderator addressed himself to the
 assembly, upon the subject-matter of the said
 declinature, to this effect: 'There are two
 ' things (said he) in which the strength of it
 ' lyeth. 1. That the assembly is their party,
 ' and therefor cannot be their judges. And,
 ' 2. that suffrage is granted to lay-elders. —

' For

For the first, it is the same exception which the *Arminians* made against the synod of *Dort*, and we need give no other answer than the divines of *Great-Britain* gave to them, viz. *Non valet ad synodi auctoritatem enervandam quod causentur remonstrantes, &c. i. e. That altho' the members of the synod had publickly taught doctrine contrary to the Arminian doctrine, yet they ought to sit as judges in examining and trying their cause, seeing they are lawfully called by the church thereto; which they prove by many arguments. And this was not only their opinion, but the judgment of all the foreign divines who were at the synod of Dort.*

But from the second point the moderator was diverted by Dr. *Balcanqual*, who, having been at that synod, desired to make answer; and, liberty being granted him, he had a quick and easy discourse, in which he endeavoured to shew, but without any great solidity of judgment, 'That the case of the *Arminian Remonstrants* differed from the church of *Scotland* in many respects, and therefor the same answer could not serve the bishops declination, which was most valid against the remonstrants, 1. Because the controversies that were handled in the synod of *Dort* were dogmatick and in matters of doctrine and points fundamental, in which all are bound, under the pain of damnation, to betake themselves to one side, and not to be neutral; and therefore the remonstrants could not justly decline the church of the *Low-Countries* in questions of that nature, altho' they had before that synod declared themselves to the contrary: But the questions debated in the

A reply thereto by Dr. Balcanqual, Journal. Baillie, p. 607.

1638. church of *Scotland* do not respect fundamental points of religion, which, by the *Confession*, are declared to be eternal and unchangeable, but respect matters of discipline and order, which, by the 21st article of the *Confession*, seem to be alterable. 2. Altho' the ministers in *Holland* had preached against the *Arminians*, yet they had not bound themselves by oath and subscription against the doctrine of the remonstrants, as you in *Scotland* have done against the bishops, and the points depending betwixt you and them.'

and a
duply by
the mo-
derator,
Journal.

To the first part of this answer the moderator replied ' That, 1. it was a question of great difficulty to discern what points were fundamental and what not, and, if the whole assembly were set to determine the matter, it might puzzle their judgments. 2. The synod of *Dort* did not pronounce the five controverted articles betwixt them and the *Arminians* to be heretical, but only erroneous. 3. Dr. *Field* and others distinguish errors into fundamental, and *circa fundamentales*, or those that are more remote from the foundation. In the first mere ignorance is damnable; but, I hope, Dr. *Balcanqual* will not affirm that simple ignorance of these points of *Arminianism* is of itself damnable. 4. Our church holds that all the main points of her discipline and order were warranted by the word, and by God's grace we are able to prove it. 5. As to the 21st article of our *Confession*, which is brought by the doctor to prove matters of policy to be mutable, it is only to be understood of circumstantialia: Our *Confession* does not hold the essentials of discipline to be mutable; for,

‘ for, in the 19th article of the same *Con-* 1638.
‘ *fession*, they make discipline, according to
‘ the rule of the word, to be the third note
‘ of the visible church. Hence it followeth,
‘ that tho’ it be not absolutely necessary to
‘ the *Being* of a church, yet it is necessary to
‘ her *Well-being*, and to her integrity and per-
‘ fection; so that, *anno* 1582. when Mr. Robert
‘ *Montgomery* denied this, and asserted that dis-
‘ cipline was mutable, the assembly did sharply
‘ censure him.’

And to the second general head he answered,
‘ That we had only renewed the *Confession* of
‘ *Faith* sworn by our predecessors, and had sus-
‘ pended our judgment, as to several innovati-
‘ ons, to the determination of a free assembly.’

With this controversy principal *Baillie* seems
dissatisfied; he thought the doctor rash in ma-
king all the *Arminian* articles fundamental, and
the moderator as uncircumspect in absolving
them all, without distinction, of the crime of
heresy; that he took too much liberty to dis-
course of what he called points fundamental
and preterfundamental; and was of opinion,
that Mr. *David Dalgliesh* replied pertinently in a
few words, ‘ 1. That the ancient councils had
‘ proceeded, and found themselves competent
‘ judges, even when matters of an inferior de-
‘ gree were questioned, as in the case of *No-*
‘ *vatus* and *Donatus*. And, 2. that the bishops
‘ were summoned for heresy, *viz.* points of
‘ popery and *Arminianism*, which the doctor
‘ acknowledged to be fundamental.’

By this time the lord commissioner thought
it time to divert the dispute, and thereby
brought off the doctor scratch-free, which all
his

Mr. *Bail-
lie's* ob-
servation
on both
sides,
Collect.
p. 607.

Mr.
Baillie's
remark
on the
doctor's
incon-
sistency
and
falseness,
Collect.
p. 608.

1638. his own wit could not have done. ' And yet,
 ' adds the principal, I see the doctor has used
 ' a noble trick to clear himself of all; he has
 ' made the king, who was at some hundred
 ' miles distance from those speeches, bear wit-
 ' ness that he never said that the *Arminian* er-
 ' rors were fundamental, tho' some thousands
 ' heard the contrary. We ever esteemed that
 ' man a *Dordracenist*, but we have been much
 ' mistaken, and see he has made the king, in his
 ' *Declaration*, print as much for the *Arminians*
 ' as the heart of *Canterbury* could wish. Alas!
 ' what is man, that even a deanry can meta-
 ' morphose his mind in a short time.'

The
 modera-
 tor is
 obstruc-
 ted from
 putting a
 vote by
 the com-
 mission-
 net,
Journal,
 p. 276.

The sub-
 stance of
 a speech
 by the
 lord
 commis-
 sioner.

And now, both sides seeming wearied of one
 another's disputings, the moderator stated the
 question, Whether or not this assembly found
 themselves judges to the bishops notwithstanding
 of their declinature; but when they were
 about to vote this, the lord commissioner inter-
 rupted them. ' This (*says The Large Declara-*
 ' *tion*) gave our commissioner the occasion to
 ' do and declare that which by our special
 ' commandment he had resolved; for he pre-
 ' sently made a speech of a competent length,
 ' the sum whereof was this. I should perhaps
 ' have continued a little longer with you, if
 ' you had not fallen upon a point which doth
 ' enforce my deserting you: You are now a-
 ' bout to settle the lawfulness of this judicato-
 ' ry, and the comperency of it against the bi-
 ' shops, whom you have cited hither, neither
 ' of which I can allow, if I shall discharge ei-
 ' ther my duty towards God, or loyalty towards
 ' my gracious and just master. This is a day
 ' to me both of gladness and sadness; gladness
 ' in

‘ in that I have seen this assembly meet — 1638.
‘ and that I shall now, in his majesty’s name, ~
‘ make good unto you all his most gracious
‘ offers in his royal proclamation — Of sad-
‘ ness, in that you who have called so much for
‘ a free general assembly, and, having one most
‘ free in his majesty’s intentions granted you,
‘ have so handled and marred the matter, that
‘ there is not the least shadow of freedom to
‘ be discerned in this your meeting; for the
‘ former, which is the discharge and perfor-
‘ mance of your sovereign’s gracious promises,
‘ let this paper, which I deliver to the clerk to
‘ be read, witness it to you all.’ Here the clerk
did publickly read a paper of the following
tenor.

‘ The king’s majesty, being informed that
‘ many of his good subjects have apprehended, The king’s offers to the assembly.
‘ that, by the introducing of the service-book
‘ and book of canons, the in-bringing of popery
‘ and superstition hath been intended, hath
‘ been graciously pleased to discharge, like as
‘ by these he doth discharge, the service-book
‘ and book of canons, and the practice of them,
‘ or either of them, and annulleth and re-
‘ scindeth all acts of council, proclamations,
‘ and all other acts and deeds whatsoever, that
‘ have been made and published for establish-
‘ ing them, or either of them; and declareth
‘ the same to be null, and to have no force
‘ nor effect in time coming.

‘ The king’s majesty, as he conceived, for
‘ the ease and benefit of his subjects, establish-
‘ ed the high-commission, that thereby justice
‘ might be ministred, and the faults and errors
‘ of

1638. ' of such persons, as are made liable thereto,
' taken order with and punished with the more
' convenience and less trouble to the people ;
' but, finding his gracious intentions therein to
' be mistaken, hath been pleased to discharge,
' likeas by these presents he doth discharge
' the same, and all acts and deeds whatsoever
' made for establishing thereof. And the
' king's majesty, being informed that the ur-
' ging of the *five articles* of *Perth* assembly hath
' bred distraction in the church and state, hath
' been graciously pleased to take the same to
' his royal consideration, and, for the quiet and
' peace of his country, hath not only dispensed
' with the practice of the said articles, but also
' discharged all and whomsoever persons from
' urging the practice thereof, upon either laick
' or ecclesiastical person whatsoever, and hath
' freed all his subjects from all censure and
' pains, whether ecclesiastical or secular, for
' not urging, practising, or obeying them, or
' any of them, notwithstanding of any thing
' contained in the acts of parliament or general
' assembly to the contrary. And his majesty
' is farther contented that the assembly take
' the same so far into their consideration, as to
' represent it to the next parliament, there to
' be ratified as the estates shall find fitting.

' And because it hath been pretended, that
' oaths have been administred different from
' that which is conceived in the act of parlia-
' ment, his majesty is pleased to declare by
' me, that no other oath shall be required of
' any minister, at his entry, than that which is
' set down in the act of parliament.

' And

And, that it may appear how careful his majesty is, that no corruption or innovation shall creep into this church, neither yet any scandal, vice, or fault, of any person whatsoever, (censurable or punishable by the assembly) go unpunished, his majesty is content to declare by me, and assure all his good people, that general assemblies shall be kept so oft as the affairs of this church shall require.

And, that none of our good subjects may have cause of grievances against the proceedings of the prelates, his majesty is content, that all and every one of the present bishops, and their successors, shall be answerable, and, from time to time, censurable, according to their demerits, by the general assembly.

And, to give all his majesty's good people full assurance that he never intended to admit any alteration or change in the true religion professed within this kingdom, and that they may be truly and fully satisfied of the reality of his intentions, and integrity of the same, his majesty hath been pleased to require and command all his good subjects to subscribe the *Confession of Faith*, and bond for maintenance thereof, and of his majesty's person and authority, formerly signed by our dear father in anno 1580. and now likewise requireth all those of this present assembly to subscribe the same. And it is his majesty's will, that this be inserted and registered in the books of assembly, as a testimony to posterity, not only of the sincerity of his intentions to the said true religion, but al-

1638. so of his resolution to maintain and defend
 the same, and his subjects in the profession
 thereof. *Subscribitur*

HAMILTON.

Re-
marks
thereon,
Baillie, p.
609.

On this paper our author observes, that tho' several things were granted, yet nothing that gave the assembly a tolerable security for any thing: They were not permitted to treat of any thing, but to take that declaration for full and satisfactory conclusions in all things: To meddle with any points of doctrine contained in the service-book, to examine whether episcopacy, *Perth* articles, and the books of canons and ordination, were right or wrong, or to try if the articles of *Arminius*, and a number of gross points of *Romish* heresies and idolatries, maintained by the bishops and most of the court-faction, was not permitted; and general assemblies were to be left simply to the will of the prince, who was not like to indict any but at the good pleasure of the bishops, as had been the custom for thirty six years past. Notwithstanding the moderator gave thanks for the same in the following grave and learned speech to the lord commissioner.

A speech
by the
modera-
tor to
the com-
missioner,
Journal.

'It well becometh us, his majesty's subjects
 convened in this honourable and reverend
 assembly, with all thankfulness to receive so
 full a testimony of his majesty's goodness,
 and not to undervalue the smallest crumbs
 of comfort that fall to us of his majesty's
 liberality. With our hearts we do acknow-
 ledge before God, and with our mouths do
 we desire to testify to the world, how far
 we think ourselves obliged to our dread so-
 vereign,

vereign, wishing that the secret thoughts of ^{1638.}
 our hearts, and the way wherein we have
 walked in time past were made manifest to
 him. It hath been the glory of the refor-
 med churches, and we account it our glo-
 ry in a special manner, to give unto kings
 and magistrates what belongs to their pla-
 ces; and, as we know the *fifth* command of
 the law to be a precept of the *second* table,
 so do we acknowledge it to be the first of
 that kind, and that, next unto piety towards
 God, we are obliged to loyalty and obedience
 to our king. There is nothing due to kings
 and princes in matters ecclesiastical, which
 (I trust) shall be denied by this assembly to
 our king; for, beside authority and power in
 matters civil, to a christian king belongeth,
 1. Inspection over the affairs of the church,
Et debet invigilare non solum super ecclesiasti-
cos, sed super ecclesiastica; i. e. He ought to
watch not only over ecclesiastical persons, but over
ecclesiastick matters. 2. The vindication of
 religion doth also belong to the king, for
 whom it is most proper, by his authority, to
 vindicate religion from contempt and all
 abuse, he being keeper also of the *first* table of
 the law. 3. The sanctions also are in his maje-
 sty's hand, to confirm, by his royal authority,
 the constitutions of the kirk, and give them
 the strength of a law. 4. His majesty also hath
 the power of correction; he both may and
 ought to compel kirk-men in the perfor-
 mance of the duties which God requires of
 them. 5. The coercive power also belongs to
 the prince, who hath power from God to
 coerce and restrain, by his terror and autho-
 rity,

1638. rity, from what becometh not their places
 and callings. 6. The christian magistrate hath
 power to convocate assemblies, when he
 finds the pressing affairs of the church calling
 for them; and in assemblies, when they
 are conveened, his power is great, 1. As
 he is a christian, having the judgment of dis-
 cretion in all matters debateable and con-
 troverted. 2. As he is king or magistrate,
 he must have the judgment of his eminent
 place and high vocation, to discern what
 concerns the spiritual welfare and salvation
 of his subjects. And, 3. as a magistrate
 singularly gifted with more than ordinary
 gifts of knowledge and authority: And we
 heartily acknowledge that your grace, as his
 majesty's high commissioner, and represent-
 ing his royal person, hath an eminent place in
 this reverend and honourable assembly, *first*,
 we hope as a good christian, *next*, as his
 majesty's high commissioner; and, *thirdly*,
 as one endued with singular gifts, and fitted
 in a special manner for this employment.
 Far be it from us to deny any thing that is
 due, either to those who are in supreme au-
 thority, or to such as are delegated by and
 subordinated to them. When *Alexander the*
Great came to *Jerusalem*, he desired that his
 image might be set up in the temple.
 This the *Jews* did modestly refuse as in-
 consistent with the law, which was the law
 of God, but liberally offered what was in
 their power, and more honourable for the
 king, *viz.* That they would beg in the rec-
 koning of time from his coming to *Jerusa-*
lem, and would call all their first-born sons

by

‘ by his name. What is ours let it be given 1638.
 ‘ to *Cæsar*, but let GOD, by whom kings reign, ~~~~~
 ‘ have his own place. Let CHRIST JESUS,
 ‘ the king of kings, have his own prerogative,
 ‘ by whose grace our king reigneth, and we
 ‘ pray that he may reign long and prosperously
 ‘ over us.’

The lord commissioner being (as how could he miss?) well satisfied with this pathetick and accurate oration, said to the moderator, ‘ Sir, You have spoken as becometh a good christian and a dutiful subject, and I am hopeful you will conduct yourself with that deference you owe to our royal sovereign, all of whose commands will (I trust) be found agreeable to the commandments of GOD.’

The lord commissioner approves that speech with a memento, Journal, Baillie, p. 610.

The moderator replied, that the assembly being indicted by his majesty, and consisting of such members, regularly authorised, as by the acts and practice in former times had right to represent the church, they took themselves for a free assembly, and he trusted that all things in it would be so conducted, that the law of GOD and reason should be seen to preceed in every thing; that they would not go forward a step but as clear light should chalk out the way before them, and that they would make evident to all men that they were afraid to walk in another way; and that they were hopeful that their king, being such a lover of righteousness, needed only to have truth pointed clearly out before him, and, when this was done, that his majesty would fall in love with it.

The moderator replies, Ibid.

On this the lord *Lowdown* arose, and, having first declared his hearty assent to what the moderator

Lord Lowdown obtains a

1638. derator had delivered in the name of the assembly, he humbly desired a copy of the declinature with the lord commissioner's allowance, (for it seems the heads of it, resumed in their answers before inserted, were only gathered by some skilled in the short-hand in time of reading) that they might consider the same more deliberately, and clear themselves of all the imputations thereby laid to their charge. The lord commissioner answered, that they might have a copy of that paper, and they had his consent to clear themselves as fully as they pleased, but he would not suffer them to go on in censuring the lords of the clergy.

copy of
the decli-
nature
with the
commis-
sioner's
consent,
Ibid.

The lord
commis-
sioner
hinders
the as-
sembly
from sus-
taining
them-
selves
judges
of the
bishops,
Ibid.

Then the moderator asked again if he should put the question, Whether or not the assembly found themselves judges competent to the bishops? But the commissioner urged that this question might be deferred. Nay, with your grace's permission, that cannot be, *said the moderator*, for it is fit to be put only after the declinature hath been under consideration. Then the lord commissioner said he behoved to be gone. 'I wish the contrary from the bottom of my heart, (replied the moderator) and that your grace would continue to favour us with your presence without obstructing the work and freedom of the assembly.'

Endea-
vours
used to
solve the
lord
commis-
sioner's
scruples,
concern-
ing si-
nister
dealings
in electi-
ons, Ibid.

The earl of *Rothas* being no less anxious for the lord commissioner's stay, said, he thought some more pains should be used by the assembly to remove the prejudices which his grace had taken up against them; and, no person objecting to the motion, he began with the complaints which had been made of sinister deal-

ings

ings in elections; and said much for clearing 1638. the assembly from that imputation; but the lord commissioner judged all that was said fell far short of their vindication, and pulled out two papers, one of them directed to a minister, and the other to an elder in every presbytery, containing private instructions premitting the election of members to the assembly, which his grace said came from their *tables* at *Edinburgh*; but, when these papers were read, the assembly denied their knowledge of them. The first might, *they said*, be the advice of some friend, for which the assembly could not answer; but the other paper was, *they said*, altogether spurious, and seemed to be forged by their adversaries, of purpose to afford a pretext for discharging the assembly, and that, except in the fourth article concerning the excluding of chapel-men, chapter-men, &c. and the eighth, advising to the study of matters controverted, it agreed in nothing with the instructions which had been sent from the *tables*, of which they then produced a copy, and asserted upon their honour that the same was a genuine copy; and by these, *they said*, no indirect nor partial courses, nor dangerous propositions, had been used in elections, but such as were most legal, peaceable and ordinary.

In the next place, whereas their meetings were branded for being called *tables*, a name which, in ordinary acceptation denoted a council-table, as if they had arrogated power and authority to themselves, it was answered, that, for the preservation of religion and purity of God's worship, it was most necessary for them to meet

Their
alleged
council-
tables.

1638. meet for deliberating jointly upon those weighty matters ; that so large convocations having been no less disagreeable to the privy-council, than inconvenient for the lieges themselves, commissioners from each sherrifdom and society of men were allowed, first, by the privy-council at *Dalkeith*, and afterward by the lord commissioner, that so the great confluence of people from all parts of the kingdom might be dissolved ; and, for their satisfaction, it was yielded that these commissioners should represent their grievances, and receive answers for the whole : That, tho' these conventions had not been favoured with such consent, they were not void of authority, because, they consisting of the nobility, barons, boroughs and ministers, by act 113. parl. 11. king *James VI.* it is acknowledged necessary that the king and his estates be truly informed of the necessities, &c. of the subjects in all estates, which necessary and true information cannot be made to his majesty and estates without private meetings and consultations, and, consequently, it being granted to them to inform the king and estates, &c. it must necessarily follow, that they have power granted to them to meet and advise upon that information, *Quia aliquo concessio, omnia concessa videntur, sine quibus concessum expediri nequit.* And as to the ministers, they had power not only by the word of God and constitutions of the church, but also by the laws of the land, to propone, reason and vote in assemblies, and by the same parity of reason to keep previous meetings, not to determine or execute, but to consult upon their necessary business. All which were, *they said*, most compatible

patible with the loyalty and duty of good subjects, and did noways encroach upon authority, seeing they assumed not to themselves any judicial determination in matters of state, civil or ecclesiastical, but, by voluntary instructions and opinions every one to another, concerning the common cause of religion, did resolve what might be most conducive to their lawful and just ends; so that they suffered wrongously the invidious designation of COUNCIL-TABLES, and gave no occasion for it other than that, in their meetings and consultations, they sat about a table, a posture noways prejudicial to authority, and which the meanest mechanicks are allowed when they consult upon business belonging to their trade. 1638.

The lord commissioner replied, that he was not offended at these meetings being called *tables*, but it displeased him that he found so much power there, and so little at the council-table; and that the councils given by their *tables* were more regarded than the commands of the *council-table*. To this *Rothes* answered, that he knew of nothing that had come from their tables but what was agreeable to the word of God and laws of the church and kingdom; and therefor it needed not be surprising that their advice had a due influence upon all whom the LORD had inclined to take part with them. And the lord *Lowdown* intreated his grace to condescend on those orders of the council-table which had not procured ready obedience; .^c for, *added he*, I know of none but such as could not be obeyed with a good conscience, and that may not be accounted disobedience.

Enough

1638

Refusing
assessors
and pro-
curators
in assen-
bly.
Ibid. and
Baillie,
p. 672.

Enough having been said in vindication of the assembly for refusing a vote to the nobles who were named assessors to the lord commissioner, it was not thought fit to urge the matter farther in that shape, only it was alledged, on the part of the lord commissioner, (not by himself) that *Blackball*, being a lawyer, might be admitted to defend the cause of episcopacy and the bishops; but the assembly overruled this for the following reasons, which we the rather insert because of the great abuse of that privilege by too many of the gentlemen of the gown at this day. 1. We ought ever to remember (say they) as a fundamental maxim, the distinction made betwixt civil and ecclesiastical jurisdiction in the word of God, and largely explained in several acts of assembly, especially in the *first* and *tenth* chapters, of *The Book of Policy*, where we find the difference clearly stated: As to the persons, manner of government, matters treated, and form of proceeding; all is ecclesiastical, and only ecclesiastical, in the one, and all civil, and only civil, in the other; their very principles and rules are different. In the one civil laws are the rule, but in the other the word of God is the only rule. They are independent of one another in their own jurisdiction; and, as an assembly cannot prescribe rules to the parliament in civil matters, no more ought the parliament to prescribe to the assembly in ecclesiastick; and therefor advocates, arguing upon civil grounds and acts of parliament, should not be permitted by the assembly, in matters ecclesiastick, where

where no rule should be heard but that, *It* 1638. seemed good to the Holy Ghost, and to us assembled in his name, and *scriptum est, scriptum est.*

2. Altho' GOD's word should regulate all civil as well as ecclesiastick jurisdiction and constitutions, it would be accounted ridiculous for procurators in civil judicatures to plead the cause of their client from scripture; and it were far more absurd to suffer procurators to come before the assembly, and dispute ecclesiastical matters out of civil constitutions. 3. The lords of privy-council, for eschewing confusion, contradiction and jangling, will not suffer advocates to plead before them. 4. As advocates are admitted by the court of session, their power is only to plead before them, or other civil judicatures in subordination to them. 5. Civil pleaders in general assemblies were ever refused, and never suffered in this kirk; and bishops Adamson and Montgomery were censured for not compearing personally, altho' one Wilson an advocate craved to be heard for Adamson. 6. In the assembly 1576. sess. 3. follows these words: *The bishop of Dunkell, being accused, did compear in the assembly, and desired he might have Mr. John Graham advocate to reason for him, which being thought a new thing, and by (i. e. beside) the custom of the assembly, was finally voted and concluded to be a novation, and to introduce forum contradictorium, and finds him not to be admitted, nor none others, who are not of the function of the kirk; and therefore ordains him to answer in his own person the 9th of this instant, or to chuse any of the brethren in the function of the kirk; whereby all advocates compearing and rea-*

1638. *soning for any party is prohibited. 7. Albeit Sir Lewis Stewart be named an assessor, he being an advocate, this is done in fraudem legis, to introduce forum contradictorium, to make the assembly like a civil judicature, and to fill all with the problematick disputes of those whose ordinary charge is to dispute sceptacii in utramque partem: Which admission of one who is not of the function of the kirk were an innovation, beside the custom of pure assemblies, and were a taking the place of divines over their head; for both by reason, and by the custom of the kirk, it is the proper duty of divines, whom the assembly may appoint to dispute utramque partem. And, 8. the king's advocate (and far less any other) has not place to reason in the assembly, especially at this time, when there have been differences between the king and the church; so, if my lord commissioner will have advocates to plead for the king, the kirk and the country may with as good reason send for advocates, and the assembly behoved to sist procedure till their coming, and be vexed with problematick disputes, which were absurd.*

Admit-
ting lay-
elders,
Journal.

The exception with respect to lay-elders was next overhauled. The lord commissioner said, 'Because the king intendeth only the preservation of the purity of religion, he cannot consent that the assembly should consist of so great a number of ignorant men wanting ability to judge of matters to be treated there, but desires that they may consist only of the church's own proper members.' And, on the part of his grace, it was roundly

roundly asserted by Dr. *Balcanquhal*, that nei- 1638.
 ther the name nor thing of a lay-elder was e-
 ver known to any general council, nay not to
 any particular church in the world before *Cal-*
vin's days; and that tho', since that time, el-
 ders were allowed a voice in some churches,
 as at the synod of *Dort*, yet that was only to
 men learned and judicious. To which it was
 answered by the lord *Lowdown*, ' That it is
 ' not always men of the greatest learning who
 ' bring forth the clearest arguments in matters
 ' religious: There are here a number of nobles,
 ' gentry, and burgessees of the best quality,
 ' trained up at schools and colleges, taught in
 ' the grounds of religion, and able to dispute
 ' truths when fairly stated.' And thereupon
 his lordship, with the earl of *Rothies*, Sir *William*
Douglas sheriff of *Teviotdale*, and some others,
 offered to dispute the matter, and, by God's
 grace, to prove, that the office of the *ruling-*
elder is warranted by the word of God, and
 by the acts and practice of our own and other
 reformed churches; but it seems the doctor
 was not prepared to accept the challenge, and
 therefor the arguments on that head were kept
 in: But, in regard it may tend to the vindica-
 tion of this assembly, that the said office be
 cleared, the reader will be pleased to cast his
 eyes back to that paper proving the power of
ruling-elders from the acts and constitutions of
 our own church, inserted page 401. of this
 history; and, for farther confirmation of the
 office, we beg liberty to transcribe part of *A*
Treatise on Ruling-Elders, by Mr. *James Gu-*
thrie, who entered to the ministry about this
 time, and was the first (and otherwise a most
 famous)

1638 famous) martyr after the *Restoration*. ' The
 ' institution (saith he) of the office of ruling-
 ' elder is divine ; it is not an ordinance of man,
 ' but of GOD : The LORD JESUS, upon whose
 ' shoulder the government is laid, and who is
 ' faithful in all his house, hath, in his eternal
 ' wisdom, thought fit to appoint such an officer
 ' in his house, for the right and orderly gover-
 ' ning thereof. It is true, that by the sloth, or ra-
 ' ther by the pride, of teachers, while they alone
 ' would seem to be somewhat, and by the policy
 ' of Satan and inadvertence of the church, these
 ' officers were, for many ages together, out of
 ' use in the christian church ; but certain it is,
 ' that both the *Jewish* synagogue, and after-
 ' ward the christian church, had *seniors*, or el-
 ' ders, without whose council nothing was done
 ' in the church. That the *Jewish* church had
 ' such appears from 2 *Chr.* xix. 8. *Jer.* xxix. 1.
 ' *Matth.* xvi. 21, 22, 23, 26, 57, 59. and *Acts*
 ' iv. 5. And that the christian church also had
 ' them, in the primitive and purest times there-
 ' of, appears from the testimony of ancient
 ' writers *. But we have a more sure word for
 ' the divine institution of elders in the christian
 ' church than any testimony of man, viz. the
 ' testimony of GOD, in the scriptures of the
 ' *New Testament*. The first place is *Rom.* xii.
 ' 6, 7, 8. *Having then gifts differing according to*
 ' *the grace that is given us, whether prophecy, let*
 ' *us prophesy, according to the proportion of faith ;*
 ' *or, ministry, let us wait on our ministering ; or*
 ' *be*

* *Ambros.* Com. on 1 *Tim.* v. 1. *Tert.* in h. 34. chap. of *Apolog.*
Basil. Mag. Com. on *Isa.* iii. 2. *Kier.* on that same place. *Aug.* Ep.
 137. *Greg.* con. *Cels.* lib. iii. *Aug.* 1. iii. contra *Crescen.* cap. lvi.

' he that teacheth, on teaching; or he that exhorteth, 1638.
 ' on exhortation; he that gives, let him do it with
 ' simplicity; he that ruleth, with diligence; he
 ' that sheweth mercy, with chearfulness. In which
 ' text the apostle doth first comprehend all the
 ' several kinds of ordinary standing officers in
 ' the church of GOD under two general heads,
 ' to wit, prophecy, whereby is meant the or-
 ' dinary faculty of right understanding and
 ' expounding the scriptures; and ministry, un-
 ' der which is comprehended all other church-
 ' offices and employments. To each of these
 ' the apostle addeth their general duties, viz.
 ' that he who prophesieth should do it accord-
 ' ing to the proportion of faith, *i. e.* accord-
 ' ing to the measure of the knowledge of the
 ' word of faith that he hath received of GOD;
 ' and he that ministers, let him wait on his
 ' ministring, *i. e.* let him not do it negligent-
 ' ly or slothfully, but faithfully and diligently.
 ' Then he subdivides these two generals into
 ' the special offices contained under them, he
 ' divides him that prophesieth into him that
 ' teacheth and him that exhorteth, or into the
 ' doctor to whom the word of teaching or in-
 ' struction belongs, and the pastor to whom the
 ' word of exhortation is competent; and un-
 ' der him that ministrereth he comprehends,
 ' first, him that giveth, by whom is meant the
 ' deacon, who is appointed for the supply of
 ' the poor; secondly, him that ruleth, by whom
 ' can be meant no other than the *ruling-elder*,
 ' seeing an ordinary ruling officer in the
 ' church, who is different from the pastor and
 ' teacher, is here spoken of by the apostle. —
 ' A second place of scripture that proves the
 ' office

1638. office of ruling-elders, is 1 Cor. xii. 28. And
 GOD hath set some in the church; 1st, apostles;
 2dly, prophets; 3dly, teachers; afterward mi-
 racles; then gifts of healing, helps, governments,
 kinds of tongues. In this text the apostle rec-
 kons several officers of the church; some ex-
 traordinary, which were to continue but for
 a season, such as apostles, prophets, powers
 or miracles, gifts of healing, kinds of tongues;
 and some ordinary, which were to continue
 in his church to the end of the world; and
 these are teachers, or the ordinary church-
 officers who are exercised in the word; helps,
i. e. the deacons; who are appointed for the
 help and relief of the poor; and GOVERN-
 MENTS, *i. e.* the governing or ruling-elders;
 for it is clear from the words, that the a-
 postle, by *governments* doth mean a church-
 officer whom GOD hath set in his church for
 ruling and governing thereof; now this
 cannot be any other of the church-officers,
 for these he hath named besides, and there-
 for it remains that it is the ruling-elder.
 And a third place of scripture is 1 Tim. v.
 17. *Let the elders that rule well be counted wor-
 thy of double honour, especially they that labour in
 the word and doctrine.* Which text doth hold
 forth and distinguish two sorts of elders in
 the church, to whom the LORD JESUS hath
 committed the power of ruling; one sort
 who do also labour in the word and doctrine,
to wit, pastors and teachers, and another sort
 who do only rule, and doing it well are
 accounted worthy of double honour, and
 these are the ruling-elders of whom we
 speak.

The

The lord *Rothés* being still loth that the lord 1638.
 commissioner should leave them dissatisfied, he
 did argue the matter in a friendly way: He
 acknowledged that his lordship had a great
 share in procuring to them the favour of that
 free assembly. 'And now, (*added he*) when
 'the assembly so granted is fully constituted,
 'if your grace, who is a chief member of it,
 'shall, by protestation against the assembly,
 'and deserting the same, labour to render it
 'most unfree, that were more than we ex-
 'pected.' And he offered, if his grace had
 any just exceptions against their former pro-
 ceedings, or was afraid they would not be-
 have with moderation, that they were wil-
 ling to clear themselves concerning bygones;
 and, for the time to come, he hoped that the
 law of God and the constitutions of the church
 should be their rule.

Rothés
 strives to
 gain the
 commis-
 sioner by
 cajolery,
Journal.

But the only answer which the lord com-
 missioner gave, was an appeal to God, that he
 had laboured, as a good christian, a loyal sub-
 ject, and a kind countryman, for the good of
 this church, and that there was nothing with-
 in the bounds of his commission which he
 would not gladly do for her. This part his
 grace acted with tears; he bewailed that such
 a weighty burden was laid upon a weak man,
 unable to bring matters to the conclusion he
 wished; and, by his speech and example, he
 drew water from many eyes.

And his
 grace
 shewed
 that he
 was shut
 up from
 comply-
 ing.
Baillie,
 p. 612.

This grave and sorrowful part being some-
 what allayed, the lord *Rothés* said, the present
 evils, and farther inconveniencies likely to
 ensue on his grace's leaving the assembly, could
 not ly at the assembly's door, neither did they

The
 breach
 imputed
 to the
 bishops,
Journal.

blame

1638. blame his grace nor their royal sovereign for it, but the bishops, who were the source of all their evils, and had, by their secret suggestions and private whisperings concerning ruling-elders, &c. filled his majesty's mind with prejudice against them. The lord commissioner, in return to this, did excuse the bishops, but admitted that they had, by their declinature and protestation, brought the matter to this issue.

because
they had
no will
to be
brought
to a try-
al, Ibid.

Mr. *David Dalgliesh*, a grave and venerable member, of solid judgment, taking the advantage of the lord commissioner's answer, said, 'Now I perceive, both by the bishop's declinature and your grace's speech, that they desire not to be cleared of the foul aspersions and imputations condescended on in the libel against them, and, if your grace shall leave us, it is evident that they are to blame for it.' The lord commissioner answered, that he was sure the bishops desired nothing more than to have a fair hearing before impartial judges, but that no man would submit himself to a judge who is his party, as the bishops take this assembly to be. To which Mr. *Dalgliesh* replied, 'If I were accused of such crimes, I would submit myself to the meanest subject in the kingdom, rather than ly under such foul imputations.' And *Lowdown* added, 'If the bishops declined the judgment of that reverend and honourable assembly, he knew not a judgment-seat fit for them but the KING of heaven's; for we protest (said he) that we have no personal prejudice at them; but, in so far as they have wronged the church, &c. we have a right to censure them for it, and they ought in conscience to submit.'

By

By this time the lord commissioner, having 1638.
 been weary of reasoning, interrupted them,
 and said, ' I stand to the king's prerogative as
 ' supreme judge over all causes civil and eccle-
 ' siastick : To him the lords of the clergy
 ' have appealed, and therefor I will not suffer
 ' their cause to be farther reasoned here.'

The lord
 commis-
 sioner
 tryes to
 intimi-
 date the
 assem-
 bly, Ib.

Argyll finding the matter was come to an
 extremity, desired to be heard before his grace
 left the assembly, and, in a general speech,
 declared that he was called to attend them by
 his majesty's command, that his conduct had
 been upright, that he had never blown the
 bellows, either by flattering the king nor his
 high commissioner for his own ends, or tam-
 pering with those who were discontented, but
 studied, as he had opportunity of being with both,
 to keep matters in as soft a temper as he could;
 but now, lest he should be mistaken, he said
 he took them all, laicks as well as ecclesiasticks,
 for a lawful assembly, and honest countrymen,
 and wished that, in their consideration of the
 covenant, which, at his majesty's command, he,
 with the rest of the council, had subscribed
 according to the sense in which it was under-
 stood when first sworn in the year 1580. no-
 thing might be done prejudicial to the true
 sense of it.

Argyll's
 speech
 on that
 occasion,
 Ibid. and
Baillie,
 p. 613.

Lowdown answered, that this motion was
 very seasonable ; that it tended to their scan-
 dal among other nations, that one *Confession*
 should be subscribed by the lords of his ma-
 jesty's council, and another by the body of the
 nation, as if there were two different *Confessions*
of Faith among the professors of one religion in
 one kingdom; and he earnestly desired that

Lowdown
 takes
 hold
 thereof
 as a rea-
 son for
 explain-
 ing the
 cove-
 nant,
 Ibid.

B b b b

the

1638. the *Confession* might be cleared, and all the heads and articles of it fully examined, that all might join in one bond of religion and dutiful obedience to our king.

The lord commissioner did wave this, Ibid.

Here the lord commissioner thought fit to interpose once more. He promised that what was done by order of authority should be cleared by the laws of the church and kingdom, and that his majesty's intention would be vindicated from all misconstructions in due time.

Roth's prosecutes Low-down's plea, Ibid.

The lord *Roth's*, being impatient that such an urgent demand should be shifted, besought once more the lord commissioner's permission that the *Confession* might be cleared, for, said he, 'at *Aberdeen* alone it was subscribed in no less than three different senses; by some after a popish manner, admitting all the ordinances of the church introduced, or to be introduced, which is implicit faith with a witness; by others, with that construction only which it had when subscribed in the 1580. and, by a third sort, in a sense which did exclude all the innovations introduced since that time; which things were lamentable, and required a present remedy.'

The lord commissioner rejects it, and dissolves the assembly, Ibid.

L. Dec. p. 276. Mem. D. Ham. p. 106.

But the lord commissioner would not listen to the motion. He said 'he had authority to have taken order concerning that and many other things, but now he could not stay any longer,' and urged the moderator to conclude with prayer; but, being disappointed in that, as in most of his other plots, he did thereupon renew all his former protestations in his royal master's name. In like manner

manner he did, in his own name, and in the name of the lords of the clergy, protest that no act there should imply his consent, or be accounted lawful or of force to bind any of the subjects; and having so said, he did, in his majesty's name, dissolve the assembly, and discharged their proceeding any farther. *The Large Declaration* saith, that he added, *under the highest pains*: And bishop *Burnet* saith he discharged them *under pain of treason*; but all my manuscripts are silent as to this.

The lord commissioner had scarce done with speaking, when the lord *Rothes* begged his attention, and said, because his grace's departure was surmised this morning, it was thought necessary that a protestation should be made ready against that event, and now it was prepared so far as the time would permit, but unwilling he was to present the same; yet, seeing the lord commissioner was departing without a just cause, he gave it in to be read by the clerk, and thereupon took instruments; and, while his grace and all the lords of council, except *Argyll*, who waited to hear the reasonings in the assembly, were departing, the protestation (which began thus, 'We commissioners from presbyteries, boroughs and universities, now convened in a full and free assembly of the church of *Scotland*, indicted by his majesty, and gathered together in the name of the Lord JESUS CHRIST, the only head and monarch of his own church, &c.' and of which the substance will fall more naturally to be repeated when we come to relate the history of the next sederunt) was read, and instruments were again taken thereon.

The earl of *Rothes* protests against it in name of the assembly, *Journal*.

This

1638.

The moderator encourages the assembly with a speech, Ibid. and Baillie, p. 614.

This done the moderator did wisely encourage his brethren in a speech to this effect: 'All who are present know how this assembly was indicted, and what power we allow to our sovereign in matters ecclesiastick: But tho' we have acknowledged the power of christian kings for convening assemblies, and their power in them, yet that must not derogate from CHRIST's right, for he hath given warrant to convocate assemblies whether magistrates consent or not: Therefor, seeing we perceive his grace my lord commissioner to be zealous of his royal master's commands, have not we as good reason to be zealous toward our LORD, and to maintain the liberties and privileges of his kingdom? You all know that the work in hand hath had many difficulties, and yet hitherto the LORD hath helped and born us thro' them all; therefor it becometh not us to be discouraged at our being deprived of human authority, but rather that ought to be a powerful motive to us to double our courage in answering the end for which we are convened.'

Mr. Dickson does the same in another speech, Journal.

And, having so said he desired that if any other of the reverend or honourable members pleased, they might speak a word for the encouragement of their brethren as God should put it in their hearts. Whereupon Mr. David Dickson arose, and said, 'Ye all understand that the great work now in hand hath been carried on from small beginnings, for, at the first, we intended only to exoner ourselves, and to leave a testimony to posterity that we bear witness to CHRIST's oppressed

' pressed cause. We thought the] matter de- 1638.
 ' perate when we were charged to buy the
 ' service-book and book of canons under the
 ' pain of horning, yet we gave in supplica-
 ' tions to the *council* desiring them to hear
 ' us speak against such proceedings; and, when
 ' we knew not what to do next, GOD led
 ' us on step by step, and hath kept us still
 ' within the compass of his word and the
 ' laws of this kingdom, for ought we know,
 ' for we have only followed our cause with
 ' humble supplications to our king, and prote-
 ' stations against what we could not obey, and
 ' it is evident that GOD hath accepted our te-
 ' stimony, for his hands are about us still.
 ' If his eye had not directed, and his hand
 ' guided us, we could not have been of one
 ' mind to this day; we had long since been
 ' confounded in our wits, and could have
 ' done nothing for compassing this great work,
 ' more than young children. GOD is now
 ' to crave a solemn testimony from the church
 ' of *Scotland*, and we have clearly represented
 ' to us an example of fidelity to our LORD and
 ' Master by my lord commissioner. He hath
 ' stood punctually to the least jot of his com-
 ' mission, and it becometh us to be as zeal-
 ' ous and loyal towards our GOD. There-
 ' fore, seeing this court is granted to us of
 ' GOD, under our king, and with his allow-
 ' ance, and a parliament indicted to warrant
 ' all the conclusions of it, let us go on as
 ' we may answer to both; and, tho' his ma-
 ' jesty hath withdrawn his granted warrant,
 ' shall we for this be disloyal to our GOD, and
 ' let go that power which he hath granted? If
 ' we

1638. ' we go not on, we shall prove traitors both to
 ~~~~~ ' God and to our king; or, if we be silent, and  
 ' pass from this assembly, how shall the will of  
 ' God be demonstrated to our king in things  
 ' controverted? There is not a mean to in-  
 ' form his majesty fully and clearly but the  
 ' determinations of this assembly, therefor we  
 ' must now proceed, and so proceed as all our  
 ' actings may answer for themselves, and it  
 ' may be seen that our behaviour is as beco-  
 ' meth good subjects to God and the king. We  
 ' must either go on, or take upon us all the  
 ' imputations of scandalous and turbulent per-  
 ' sons, and grant that there have been as ma-  
 ' ny wrongs as there have been false impu-  
 ' tations laid out against us; and this were to  
 ' sin more deeply, and to quit those glorious  
 ' privileges which CHRIST hath granted to  
 ' us above all our sister-churches. Seeing  
 ' then that there is not a mean left whereby  
 ' to clear ourselves before the christian world  
 ' but this, let us go on in putting over the mat-  
 ' ter upon our LORD and Master, and he shall  
 ' answer for us at the court of heaven, and  
 ' justify us in the eyes of all that are wise.'

and they  
 are en-  
 couraged  
 by the  
 accession  
 of the  
 lord  
*Erskine*  
 and o-  
 thers,  
 Ibid.  
 and *Bail-*  
*lie*, p.  
 615.

After Mr. *Dickson* had thus spoken, Mr. *Henry Rollock*, Mr. *Andrew Cant*, and Mr. *Andrew Ramsay*, of the clergy, *Lowdown* of the nobility, *Keir* of the gentry, and Mr. *Robert Cuninghame* of the boroughs, had pathetick speeches to the same purpose, which did not only animate the other members with new life and courage, but also a multitude of spectators; amongst whom was lord *Erskine*, son to the noble earl of *Mar*, (and otherwise a youth of great

great expectation) who came into the assembly, 1638. and with tears besought that he might be admitted to subscribe the covenant: He ingenuously confessed that his conscience had frequently checked him for this omission, and admonished him that he should, with the first opportunity, join himself to so good a cause; and perceiving, he said, that God was angry with him for this neglect, he desired the prayers of the assembly on his account, that the Lord's anger might be turned away from him. Several others followed the example of this noble youth, amongst whom were Mr. *Forbes* and Mr. *MacKail*, ministers from *Holland*, but both of them *Scotsmen*, and the first-named a son of the famous Mr. *John Forbes*, who was moderator to the general assembly at *Aberdeen*, anno 1605. and was banished on that account. The seeing and hearing of these men gave great joy to the whole assembly; and they looked upon it as an evidence of the divine favour, that when they were afraid, lest many thro' discouragement would have turned their back upon the cause, that, even in that crisis, the hearts of some were, for their encouragement, incited to join themselves to them.

Then the moderator did put the question, whether they would adhere to the protestation against the lord commissioner's departure, and continue constituted till all things needful were concluded, or not? And, the votes being called, the whole members promised heartily to abide, on all hazards, except Sir *John Carnegy of Cathie*, and three or four ministers about *Angus*, whose names, according to Mr. *Rowe*, were Mr. *Thomas Thoirs*, Mr. *John Watson*, Mr. *Mr.*

All the assembly except a few resolved to sit till business was ended. Ibid.

Hist. p. 338.

1638. Mr. *Joseph Brodie*, and Mr. *John Annan*, who went off, pretending their commission had an express clause of their sitting only in case of his majesty's countenancing the assembly, and were for that reason struck off from the roll, as was Dr. *Baron* commissioner from the university of *St. Andrews*, who had left them some days before on the pretence of sickness. To these the same author adds Dr. *Strang* and *Patrick Bell*, who, *he says*, came back next day, and adhered to the assembly's protestation; but, however true this may be of provost *Bell*, it seems improbable with respect to the principal, because his commission had been rejected, as we noticed before.

and they  
sustain  
them-  
selves  
judges  
to the  
bishops,  
*Ibid.*

The last question that day was, whether the assembly do find themselves lawful and competent judges to the pretended archbishops and bishops of this kingdom, and the complaints given in against them and their adherents, notwithstanding of their declinature and protestation; and, according to Mr. *Baillie*, all did vote affirmative, but, according to the *Journal*, three or four did vote in the negative.

#### SESSION VIII. Nov. 29.

The as-  
sembly  
dischar-  
ged by  
procla-  
mation,  
*Journal*,  
and  
*L. Dec.*  
*p. 290.*

The work of this day began with a proclamation against the assembly, privately subscribed by the lord commissioner and most of the councillors, and was published about ten of the clock, with great solemnity, at the market-cross of *Glasgow*; but, the same being recorded in *The Large Declaration*, all in it that we have occasion to repeat is, that 'it discharges and inhibits all and whatsoever  
' pre-



‘ pretended commissioners, and other mem- 1638.  
 ‘ bers of the said assembly, from all farther  
 ‘ meeting and convening, treating and con-  
 ‘ cluding any thing belonging to the said as-  
 ‘ sembly, *under the pain of treason*; declares  
 ‘ all and whatsoever they should happen to do,  
 ‘ in any pretended meeting thereafter, to be  
 ‘ null, and of no strength, force nor effect, with  
 ‘ all that may follow thereon, and prohibits  
 ‘ and discharges all the lieges to give obedi-  
 ‘ ence thereto, all of whom it declares free  
 ‘ from the same, and of all hazard that might  
 ‘ ensue for not obeying thereof; and for this  
 ‘ effect it commands and charges all the fore-  
 ‘ said pretended commissioners to depart forth  
 ‘ of the said city within 24 hours after the  
 ‘ publication thereof, &c. ’

As soon as this proclamation was published, <sup>who answered it</sup>  
 Mr. *Archibald Johnston*, assisted by the lord *Er-* <sup>by a pro-</sup>  
*skine* and several other young noblemen and <sup>testation,</sup>  
 gentlemen, who had reverentially heard the <sup>*Large*</sup>  
 proclamation read, did, for answer thereto, <sup>*Declara-*</sup>  
 read the protestation which had been given in <sup>*tion, p.*</sup>  
 to the assembly at the lord commissioner's de- <sup>294.</sup>  
 parture, and was approved by them; but, this  
 being also in *The Large Declaration*, we shall  
 pass the narrative, and only subjoin that part  
 which contains their reasons and protestation.

‘ Therefor, (say they) from a consciousness of  
 ‘ our duty to God and his truth, the king and  
 ‘ his honour, the church and her liberties, this  
 ‘ kingdom and her peace, this assembly and  
 ‘ her freedom, and the safety of ourselves  
 ‘ and our posterity in our persons and estates;  
 ‘ we profess, with sorrowful and heavy, but

C c c c

loyal

1638. ' loyal hearts, that we cannot dissolve this assembly, for the reasons following.

' 1. For the reasons already printed concerning the necessity of convening a general assembly, which are now more strong in this case, seeing the assembly was indicted by his majesty's authority, did convene, and is fully constituted, in all the members thereof, according to the word of God and discipline of this church, in the presence and audience of his majesty's commissioner, who hath really acknowledged the same, by assisting therein seven days, and exhibiting his majesty's royal declaration to be registrated in the books of this assembly, which accordingly is done.

' 2. For the reasons contained in the former protestations made in name of the noblemen, barons, burgesses, ministers and commons, whereunto we do now judicially adhere, as also unto *The Confession of Faith* and *Covenant* subscribed and sworn by the body of this kingdom.

' 3. Because, as we are obliged by the application and explication subjoined necessarily to *The Confession of Faith* subscribed by us, to the king's majesty, and his commissioner and privy-council, have urged many of this kingdom to subscribe *The Confession of Faith* made in the years 1580. and 1590. and so to return to the doctrine and discipline of this church as it was then professed: But it is clear, by the doctrine and discipline of this church, contained in the book of *Policy* then registrated in the books of assembly, and subscribed by the presbyteries of this church, that

that it was most unlawful in itself, and 1638.  
 ' prejudicial to those privileges which Christ  
 ' in his word hath left to his church, to dissolve  
 ' or break up the assembly of this church, or  
 ' to stop their proceedings in making of acts  
 ' for the welfare of the church, or execution  
 ' of discipline against offenders, and so to make  
 ' it appear that religion and church-govern-  
 ' ment should depend absolutely upon the  
 ' pleasure of the prince.

4. Because there is no ground of pretence,  
 ' either by act of assembly or parliament, or  
 ' any preceeding practice, whereby the king's  
 ' majesty may lawfully dissolve the general as-  
 ' sembly of the church of *Scotland*, far less his  
 ' majesty's commissioner, who, by his commis-  
 ' sion, hath power to indict and keep it *secun-*  
 ' *dum legem et praxin*; but, on the contrary,  
 ' his majesty's prerogative royal is declared,  
 ' by act of parliament, to be noways preju-  
 ' dicial to the privileges and liberties which  
 ' God hath granted to the spiritual office-bear-  
 ' ers and meetings of this church, which are  
 ' most frequently ratified in parliament, and  
 ' especially in the last parliament holden by his  
 ' majesty himself; which privileges and liber-  
 ' ties of the church his majesty will never  
 ' diminish or infringe, being bound to main-  
 ' tain the same intire by solemn oath given at  
 ' his royal coronation in this kingdom \*.

5. The

\* When we were upon the history of this coronation,  
 page 84. we would gladly have related the manner of it,  
 but were obliged, thro' want of proper materials, to omit  
 particulars; but now, having procured a sight thereof,  
 we will, seeing the coronation-oath is here referred to,  
 adventure



1638. ' 5. The assemblies of this church have still  
 enjoyed the freedom of uninterrupted sitting,  
 notwithstanding

adventure to transcribe so much of that solemn ceremony as respects the security given by K. *Charles* for the preservation of religion and liberty.

' The king having taken his seat, *George* viscount of *Duplin*, lord chancellor, did, in name of the estates of the kingdom speak to his majesty thus.

S I R E,

' The estates of your native and ancient kingdom, calling to mind the great happiness they enjoyed under the government of your majesty's father, of blessed memory, and acknowledging your highness to be the rightful heir of this crown, by a long and lawful descent, do beseech your majesty to receive them into your highness's protection, to govern them by the laws of the kingdom, and defend them in their rights and privileges by your royal power, offering their service in most humble manner to your majesty, with their vows to bestow life, and what else is in their power, for the safety of your majesty's sacred person, and maintenance of your crown, which they intreat your majesty to accept, and pray Almighty G O D that you may happily, and for many years, enjoy the same.

' The king made answer, That he did esteem their affections more than the crowns of many kingdoms, and would, by GOD's assistance, bestow his life in their defence, wishing to live no longer, than he might see their kingdom flourish in all happiness.

Then the archbishop of *St. Andrews* asked his majesty, if he was willing to take the oath appointed to be given at the coronation of kings.

His majesty made answer, That he was willing.

Whereupon the archbishop did interrogate him thus:

' 1. S I R E, Will you promise to serve Almighty GOD to the uttermost of your power, as he hath required in his most holy word, and, according to the same word, maintain the true religion of CHRIST now preached and professed within this realm, abolishing and gaining standing all false religions contrary to the same? And will you carefully employ yourself to root all hereticks and

‘ notwithstanding any countermand, as is evi- 1638.  
 ‘ dent by all the records thereof, and in special  
 ‘ by the register of the general assembly holden  
 ‘ anno 1582. which being charged with letters  
 ‘ of horning by the king’s majesty’s commissi-  
 ‘ oner and council, to stay their process against  
 ‘ Mr.

‘ and enemies to the true worship of GOD, who shall  
 ‘ be convicted by the true church of GOD of the fore-  
 ‘ said crimes, out of this realm?’

The king answered, *I promise faithfully so to do.*

‘ 2. S I R E, Will you make promise to rule the peo-  
 ‘ ple subject to you according to the laws and constitu-  
 ‘ tions received within this realm, causing justice and  
 ‘ equity to be ministred in all judgments without par-  
 ‘ tiality, and to procure peace, to the uttermost of your  
 ‘ power, to the church of GOD, and amongst all christi-  
 ‘ an people?’

The king answered, *I grant and promise so to do.*

‘ 3. S I R E, Will you likewise promise to preserve  
 ‘ and keep inviolated the privileges, rights and rents of  
 ‘ the crown of Scotland, and not to transfer nor alie-  
 ‘ nate the same in any sort?’

The king answered, *I promise so to do.*

‘ 4. S I R E, We also beseech you to grant and  
 ‘ preserve to us of the clergy, and to the church com-  
 ‘ mitted to our charge, all canonical privileges; and  
 ‘ that you will defend and protect us in this your  
 ‘ kingdom, as every good king ought to defend his bi-  
 ‘ shops and the church under their government.

The king answered, *With a willing heart I grant the  
 ‘ same, and promise to maintain you, and every one of you,  
 ‘ with all the churches committed to your charges, in your hail  
 ‘ rights and privileges, according to law and justice.*

And then the king, arising from his chair, went to the  
 communion-table, erected in form of an altar, where,  
 in sight of all the people, he laid his hands on the Bible  
 and took his oath, and said, *All the things which before  
 I have promised, I shall observe and keep. So help me GOD,  
 and by the contents of this book.*

\* This article was not imposed by law, but by the bishops, at the  
 instigation of archbishop Laud who directed that whole ceremony.

1638. *Mr. Robert Montgomery* pretended bishop of *Glasgow*, or otherways to dissolve and rise, did notwithstanding shew their liberty and freedom, by continuing to sit still, and going on in that process to the end thereof; and thereafter, by letter to his majesty, did shew clearly how far his majesty had, upon misinformation, prejudged the prerogative of **JESUS CHRIST**, and the liberties of this church, and did enact and ordain that none should procure any such warrant or charge under the pain of excommunication.

6. Because now to dissolve, after so many supplications and complaints, after so many reiterated promises, after our long attendance and expectation, after so many references of processes from presbyteries, after the publick indiction of the assembly, and the solemn fast appointed for the same, after frequent convening together, formal constitution of the assembly in all the members thereof, and seven days sitting, were, by this act, to offend God; condemn the subjects petitions, deceive many of their conceived hopes of redress of the calamities of the church and kingdom, multiply the combustions of this church, and make every man despair hereafter ever to see religion established, innovations removed, the subjects complaints respected, or the offenders punished with consent of authority, and so, by casting the church loose and desolate, would abandon both to ruin.

7. It is most necessary to continue this assembly for preventing the prejudices which may ensue upon the pretence of two covenants, whereas



whereas indeed there is but one, that first sub- 1638.  
scribed in 1580 and 1590. being a national co-  
venant and oath to God, which is lately renew-  
ed by us, with that necessary explanation which  
the corruptions introduced since that time,  
contrary to the same, enforced, which is also  
acknowledged by the act of council in Sep-  
tember last, declaring the same to be sub-  
scribed as it was meant at the time of the first  
subscription; and therefor, for removing  
that shame, and all prejudices which may  
follow upon the appearance of two different  
*Covenants and Confessions of Faith* in one na-  
tion, the assembly cannot dissolve before it  
try, find and determine that both these co-  
venants are but one and the self-same cove-  
nant, the latter, renewed by us, agreeing  
to the true genuine sense and meaning of the  
first, as it was subscribed anno 1580.

For these and many other reasons, we the  
members of this assembly, in our own name,  
and in the name of the kirk of Scotland  
whom we represent, and we noblemen,  
barons, gentlemen, ministers, burgesses, and  
commons before mentioned, do solemnly  
declare, in the presence of the ever-living  
God, and before all men, and protest, 1.  
That our thoughts are not guilty of any  
thing which is not incumbent on us as good  
christians towards God, and loyal subjects  
toward our sacred sovereign. 2. That all the  
protestations, general or particular, propo-  
ned, or to be proponed, by the commissio-  
ner his grace, or the prelates and their ad-  
herents, may be presently discussed before  
this general assembly, being the highest ec-  
clesiastical

1638. *W* ecclesiastical judicatory of this kingdom, and  
that his grace depart not till the same be  
done. 3. That the lord commissioner de-  
part not till this assembly do fully settle the  
solid peace of this church, cognoscing and  
examining the corruptions introduced upon  
the doctrine and discipline thereof; and for  
attaining hereof, and removing all just ex-  
ceptions which may be taken at our proceed-  
ings, we attest God, the searcher of all hearts,  
that our intentions and whole proceedings,  
in this present assembly, have been, are, and  
shall be according to the word of God, the  
laws and constitutions of this church, *The*  
*Confession of Faith*, our national oath, and that  
measure of light which God the Father of  
lights shall grant us, and that in the sincer-  
ity of our hearts, without any preoccupa-  
tion or passion. 4. That if the commissioner  
his grace depart, and leave this church and  
kingdom in this present disorder, and dis-  
charge this assembly, that it is both lawful  
and necessary for us to sit still, and continue  
in keeping this present assembly indicted by  
his majesty, till we have tryed, judged and  
censured all the bygone evils and the intro-  
ductors, and provided a solid course for con-  
tinuing God's truth in this land, with purity  
and liberty, according to his word, our oath  
and *Confession of Faith*, and the lawful consti-  
tutions of this church; and that, with the  
grace of God, we, and every one of us ad-  
hering hereunto, shall sit still and continue  
in this assembly, till, after the final settling  
and conclusion of all matters, it be dissolved  
by common consent of all the members  
thereof.

thereof. 5. That this assembly is, and should  
 be esteemed and obeyed as a most lawful, full  
 and free general assembly of this kingdom.  
 And that all acts, sentences, constitutions,  
 censures and proceedings of this assembly  
 are in themselves, and should be reputed,  
 obeyed and observed, by all the subjects of  
 this kingdom and members of this church,  
 as the actions, sentences, constitutions, cen-  
 sures, and proceedings of a full and free ge-  
 neral assembly of the church of *Scotland*, and  
 to have all ready execution, under the eccle-  
 siastical pains contained or to be contained  
 therein, and conform thereto in all points.  
 6. That whatsoever inconvenience shall fall  
 out, by impeding, molesting, or staying the  
 free meeting, sitting, reasoning, or conclud-  
 ing of this present assembly, in matters be-  
 longing to this judicatory by the word of  
 GOD, laws and practice of this church, and  
*The Confession of Faith*, or in the observing  
 and obeying the acts, ordinances and conclu-  
 sions thereof, or execution to follow thereon,  
 that the same be not imputed to us, or any of  
 us, who most ardently desired the concur-  
 rence of his majesty's commissioner to this  
 lawful assembly; but, on the contrary, that  
 the prelates and their adherents, who have  
 protested and declined this present assembly,  
 from a consciousness of their own guiltiness,  
 not daring to abide any legal tryal, and, by  
 their misinformation, have moved the com-  
 missioner his grace to depart and discharge  
 this assembly, be esteemed, reputed and hol-  
 den the disturbers of the peace, and over-  
 throwers of the liberties of the church, and



1638. *W* guilty of all the evils which shall follow here-  
upon, and condignly censured according to  
the greatness of their fault, and laws of the  
church and realm: And to this end we again  
and again do, by these presents, cite and sum-  
mon them, and every one of them, to compar-  
before this present general assembly, to answer  
to the premisses, and to give in their reasons,  
defences and answers against the complaints  
given in, or to be given in against them,  
and to hear probation led, and sentence  
pronounced against them, conform to our  
former citations, and according to justice,  
with certification, as effects. Likeas, by these  
presents, we summon and cite all those of  
his majesty's council, or any other who have  
procured, consented, subscribed, or ratified  
this present proclamation, to be responsible  
to his majesty, and the three estates of parlia-  
ment, for their counsel given in this matter,  
so highly concerning his majesty, and the  
whole realm, conform to the 12th act, king  
*James IV.* parl. 2. and protest for remedy  
of law against them, and every one of them.  
And, *lastly*, we protest, that, as we adhere to  
the former protestations, all and every one  
of them, made in the name of the noblemen,  
barons, gentlemen, ministers, boroughs and  
commons, so, seeing we are surprised by his  
grace the commissioner's sudden departing,  
far contrary to his majesty's indiction and  
our expectation, that we may extend this our  
protestation, and add more reasons thereto  
in greater length and number, whereby we  
may fully clear, before God and men, the e-  
quity

'quity of our intentions and lawfulness of 1638.  
'our proceedings.'

Remarks on the said proclamation and protestation are unnecessary; one thing is obvious, that both were drawn up in a hurry, but both were afterward amended in the proclamation and protestation the 18th of *December*, which may be noticed in their place.

A remark  
thereon.

And now, this stir being over, the assembly met, and, after prayer, the moderator considering that, the lord commissioner and his company being gone, some might be in hazard of erring in point of decency and order, he did, in an address to the honourable and reverend members, intreat them to consider, not only that they were in the sight of God, who requireth both inward reverence, and outward respect, but that their adversaries had spoken reproachfully of their carriage as tumultuous, therefor he exhorted that their behaviour might be grave, as in the sight of God, that they should keep themselves quiet, because they ought to have their judgments exercised concerning the matter in hand, and their minds elevated to God for light and direction; that, when they did speak, it should be with gravity, and the rest should attend to what was said; that one only should speak at a time, and that after liberty given; not that he assumed any thing to himself, but he was bold to direct them in that wherein he had the consent of their own minds.

The moderator  
recommends  
piety and  
decency  
to the  
members,  
*Journal.*

To this diet the earl of *Argyll* came back, and the moderator did earnestly intreat, that, tho' he was no member of the assembly, he would,

*Argyll*  
attended  
the assembly,

1638. would, for the common interest he had in the church, be pleased to countenance their meetings, and bear witness of the rectitude of their proceedings. This his lordship promised, and did honestly perform, by recommending to the assembly to go on wisely, and with that respect due by obedient subjects to a gracious king, and assuring them, that by their discreet behaviour the work they were now employed in would be constructed. This advice the assembly took in good part, and they looked on his lordship's countenance as the greatest human encouragement they met with; for, besides that he was the most powerful by far of any subject in the kingdom, it was known that he was in great favour with the king, and it was believed that he had allowance to stay as a check upon the assembly; but it soon appeared that nothing else than a sense of duty induced his lordship to encourage them with his presence in a time of so much need, and that he did it at the loss of the king's favour, and, if matters had turned out to the wish of the court, at the hazard of his own head; for, by his majesty's letters to him about this time, it appeared that nothing was more against his majesty's inclination than his lordship's stay, and the lord commissioner did resent the same beyond all bounds.

Several other councilors fell off from the court.  
Ibid.  
p. 616.

This day *Argyll* produced a letter from the earl of *Wigton*, and next day another from the earls of *Kinghorn* and *Galloway* shewing that they had subscribed the *Confession* according as it was professed in the year 1580. *Montrose* did likewise declare that he had authority from the earl of *Mar* and the lord *Napier* to say as much



much in their name; and some others declared that the lords *Almond* and *Blackhall* desired to be understood as having subscribed in the same sense. ' These are the councillors whose ' declaring themselves the marquis of *Hamilton* ' (we speak in the language of the bishop of *Sarum*) judged rather an advantage than a loss.' 1638. ~~~~~

The falling off from the court of so many councillors, and, upon the matter, acceding to the assembly, was very acceptable to them; and upon that occasion the moderator said, ' Tho' we had not a nobleman to assist us, our cause were not the worse nor the weaker; ' but thereby occasion is given us to bless God, ' that they are coming in daily.' Mem. D. of Ham. P. 107.

In the next place, the moderator recollecting that the bishops had, in their declinature, alledged that several members of the assembly were lying under censures, either of the church of *Ireland*, or of our own church, and therefore could not warrantably be judges to them, and that the lord commissioner and privy council had taken this for granted in the late proclamation, therefore he thought it highly necessary, that, before entering on business, those members who fell under that imputation should first clear themselves from it. The members under the censures of the *Irish* bishops were Messrs. *Blair*, *Livingston*, *Hamilton* and *MacLellan*, and Mr. *David Dickson*, Mr. *Samuel Rutherford*, and the Laird of *Earlston* had been censured by the high-commission in *Scotland*. ' Several of us (says Mr. *Baillie*) ' could have wished, that, for stopping the ' mouths The moderator recommends the vindication of some members under censures, Ibid.

1638. 'mouths of the adversaries, these men had  
 'not been chosen, but their eminent gifts  
 'would not suffer them to be past by.'

An ex-  
 cuse of-  
 fered for  
 those  
 censured  
 in Ire-  
 land,  
*Journal.*

For the first four, Mr. *Blair*, the eldest of  
 their number, did, in an easy speech *ex tem-  
 pore*, shew at length that the censures inflicted  
 on them by the *Irish* bishops were only for  
 their adhering to the discipline of the church  
 of *Scotland*, a fact in which all the four agreed;  
 and Mr. *Dickson*, who, as being settled at *Ir-  
 vine*, a port which had frequent intercourse  
 with the *Irish*, had been at pains to get certain  
 information concerning that point, did like-  
 wise attest the same; and in end the assembly  
 was fully satisfied that the censures inflicted  
 upon these their brethren were most unjust,  
 and therefor were of no effect from the be-  
 ginning, and that the church of *Scotland*, ha-  
 ving no dependence on the church of *Ireland*,  
 was under no necessity to regard their cen-  
 sures.

Satis-  
 faction  
 fought  
 concer-  
 ning an  
 imputa-  
 tion on  
 Mr.  
*Blair*,  
*Ibid.*

When Mr. *Blair* was about to return to his  
 seat, Sir *William Douglas* stopt him, and de-  
 sired he would likewise satisfy the assembly  
 concerning his deparrure out of the kingdom.  
 Well remembered, said the moderator, for it  
 is asserted in the proclamation, that some, long-  
 since banished, for open and avowed teaching  
 against monarchical government, are members  
 of the assembly. To which Mr. *Blair* answered,  
 that he thanked God that by this an occasion  
 was afforded him for exonerating himself, a thing  
 which he would gladly have done of his own  
 accord, were it not that he feared the imputa-  
 tion of officiousness, in exhausting so much of  
 the assembly's time as would be necessary in  
 relating

He vin-  
 dicates  
 himself  
 fully,  
*Ibid.*

relating that affair; and then, to the point, he 1638.  
 said, ' I take GOD, in whose sight I speak, to  
 ' witness, that all the publick afflictions which  
 ' have befallen me, have, for ought I know, been  
 ' for constant adherence to *The Confession of*  
 ' *Faith of the Church of Scotland*. When *Perth ar-*  
 ' *ticles* were concluded I was present, and from  
 ' that time the Lord determined me to stand to  
 ' that truth which I perceived to be there op-  
 ' pressed. While I was a regent in the college of  
 ' *Glasgow*, Dr. *Cameron*, our learned country-  
 ' man, was brought from foreign parts, and  
 ' settled in that university, to bring them to  
 ' conform to *Perth articles*; and, after he had  
 ' for some time tryed to gain me, finding his  
 ' labour lost, it raised a prejudice in his breast,  
 ' which seems never to have been fully re-  
 ' moved. And to this occasion of misunder-  
 ' standing there was added another. In a pub-  
 ' lick theological dispute, where I was oppo-  
 ' nent, it was maintained by a young gentle-  
 ' man, who accompanied the doctor from  
 ' *France*, that *election proceeded upon foreseen*  
 ' *faith*. In this dispute the doctor took  
 ' part with his theologue; and the students re-  
 ' port of this affair, amongst their acquaint-  
 ' tances, was so much improven to the doc-  
 ' tor's disadvantage, that he became the more  
 ' incensed against me, and set himself to un-  
 ' dermine me by all means possible; and find-  
 ' ing that he was not like to prevail otherwise,  
 ' he, by one of my students, procured a sight  
 ' of my notes on *Aristotle's Ethicks*, from  
 ' which he extracted several excerpts, which,  
 ' in his apprehension, favoured of disloyalty,  
 ' for which he did publickly tax me in pre-  
 ' sence



1638. <sup>W</sup> sence of the whole university, which brought on a dispute betwixt us that lasted for three hours. The dispute was in writing, and, at the doctor's desire I subscribed all my answers, tho' dictated off-hand, and consented that they should be transmitted to K. *James*. And tho' this dispute, or rather examination, ended so favourably for me, that Mr. *Robert Wilkie*, rector of the university, said, Would to GOD K. *James* himself were present to have heard your declaration; and Mr. *George Young*, who had been seduced to take part in the opposition against me, took me in his arms, and thanked God that I had so fully exonerated myself. The archbishop of *Glasgow* was dealt with to examine the matter; and, after he had read, my dictates, he acknowledged to Mr. *James Robertson* my fellow-regent, that he perceived malice did prompt the doctor; yet, lest the matter should be reported to his prejudice, he sent for me, and, at my sight, wrote a letter to K. *James*, lest, said he, we should be both wronged. To this letter, which did indeed state the matter candidly, an answer was returned to my lord *Alexander*, who had been my scholar, that his majesty saw no cause for being offended with me. Thus you see that there was neither process nor sentence against me on that account, and that the inquiry made into that matter, by the university and the archbishop, and afterward by the king himself, reflected no dishonour upon me. If it shall be still asked, what should have moved me after this to leave the university, I answer, That, perceiving the undermining courses which had

' had been taken with me, and the difficulty 1638.  
 ' of getting into the ministry, or continuing in  
 ' it without some degree of conformity; and,  
 ' being likewise become weary of teaching  
 ' philosophy, I resolved to embrace the first  
 ' opportunity of retiring; and, upon a call  
 ' from *Ireland*, which was offered to me soon  
 ' after, I resigned my place in the university  
 ' without the smallest compulsion other than  
 ' I have related: On the contrary, when my  
 ' demission was talked of, Dr. *Cameron*, whose  
 ' name I have mentioned oftner than I had  
 ' any inclination, professed reconciliation to  
 ' me, and importuned me not to demit my  
 ' place; and to my brother, Mr. *William Blair*,  
 ' the archbishop declared (as my brother  
 ' wrote in his first letter to me after I went to  
 ' *Ireland*) that he was resolved to have me  
 ' settled in *Ayr*, where God, in his adorable  
 ' providence, hath now brought me.'

Mr. *Blair* having ended speaking, Messrs. *Zachary Boyd*, *George Young*, and *Robert Baillie*,  
 who were in *Glasgow* while that affair happened, did declare that Mr. *Blair* had related it  
 truly, and so the assembly rested fully satisfied.

The  
 truth of  
 his rela-  
 tion at-  
 tested,  
 Ibid.

Mr. *Dickson* fell next to be heard, who did  
 speak to this effect. ' I was admitted minister  
 ' at *Irvine* six months before *Perth* assembly,  
 ' and, after the articles concluded there were  
 ' begun to be imposed upon ministers, I stu-  
 ' died the matter as I should answer to God;  
 ' yet for two years time I held myself quiet,  
 ' till, being overtaken with sickness, and dying  
 ' in my own apprehension, I resolved to give

Mr. D.  
*Dickson*  
 vindica-  
 ted,  
*Journal*  
 and  
*Baillie*,  
 p. 617.

1638. *W* my testimony to the truths which were oppressed; and, tho' I did this in as modest terms as I could, purely for my own exoneration, the bishops got notice of it, and, before I had been four years a settled minister, I was summoned to answer before the *High-Commission*. When I read the summons, which contained a libel against me, with a short copy of citation subjoined, instead of, *James*, by the grace of God, king of *Great-Britain, &c.* I found it began with, *John*, by the mercy of God, archbishop of *St. Andrews, &c.* and *James*, by the mercy of God, archbishop of *Glasgow, &c.* After asking counsel of God concerning this matter, I became resolved, as a faithful member of the church of *Scotland*, to decline that judicatory; and, when I made my compearance, I gave in a declinature of their jurisdiction, and offered to be judged by the first free general assembly: For reasons I condescended on the act of parliament prohibiting all the king's lieges to give obedience to any judicatory not established by law, and added some things arising from the tenor of their summons. This declinature they made the ground of my quarrel, and for that alone they passed a sentence banishing me to *Turriff*. Upon this I returned home, and preached till the 20th day of *April*, the time set for my entering into ward, at which time, lest I had been mistaken as a contemner of authority (the king's superscription being at their commission) I removed from *Irvine* to my confinement, where I remained for the space of nine months; after which I was, by  
the



‘ the importunity of my lord *Eglinton*, and 1638.  
 ‘ the town of *Irvine*, without my own know-  
 ‘ ledge, reponed to my flock, without any re-  
 ‘ strictions, and, for evidence of what I now  
 ‘ say, here is the archbishop’s letter to *Eglin-*  
 ‘ *ton*, allowing his lordship to send for me, and  
 ‘ an instrument of protest under the hands of  
 ‘ a notary, which, for my exoneration, I took  
 ‘ when I returned to *Irvine*, which I desire  
 ‘ the clerk to read.’

The clerk having read these papers, Mr. Sa-  
*muel Rutherford* was next called on, who declared  
 that he was summoned before the high-com-  
 mission, and roughly handled by them for two  
 days, for writing against the *Arminians* and for  
 nonconformity; and, when they saw that they  
 could gain little advantage of him on the first  
 head, the third day they urged him with con-  
 formity, when, he continuing obstinate, and  
 they threatening to pass sentence against him,  
 he gave in a written declinature of their juris-  
 diction, for reasons much the same that Mr.  
*Dickson* had declared; whereupon they de-  
 prived him of his ministry at *Anwoth*, and con-  
 fined him to *Aberdeen*. That he waited some  
 time in *Edinburgh* for an extract of his sentence,  
 but could get none, owing, as the clerk told  
 him, to the bishop of *Galloway*’s causing add,  
 at his own hand, a clause that he should exer-  
 cise no ministerial function within the king’s  
 dominions; but that he, having at length pro-  
 cured a copy of that sentence, (which he  
 thereupon put into the clerk’s hand) went to  
 his confinement without any charge, where  
 he remained near two years, till, understanding  
 that

Mr. Ru-  
*therford*  
 vindi-  
 cated,  
*Ibid.*

1638. that the privy-council had received in a decli-  
nature against the high-commission, he adven-  
tured to return home.

and  
*Earlston*  
vindica-  
ted,  
Ibid.

At last *Earlston* was desired to speak, who declared, That for nonconformity he was called before the high-commission at *Wigton*, and, neglecting to compear, the bishops took the libel for granted, and, as if he had added contumacy, they passed sentence confining him to *Montrose*, which was changed in the way he should leave to be reported by the earl of *Argyll*: Whereupon his lordship did inform, that, having returned from *England* the day before *Earlston* was to have gone to ward, he did deal with the bishop of *Galloway*, that *Earlston*, being manager of *Kenmure's* affairs, might rather be fined than banished. This the bishop yielded to, and yet he did afterwards resile, which obliged *Earlston* to give in a bill to the privy-council, who dispensed with his confinement upon payment of his fine.

The as-  
sembly  
find all  
their  
excuses  
suffici-  
ent, Ib.

And now the persons objected to being all heard, the moderator said, he verily believed that all, to whose ears the voice of the speakers had come, were fully satisfied with what had been said, as a full vindication of these worthy men from the calumnies cast upon them; yet, if any had ought farther to object, he desired they might bring it forth; and finding, after a pause, that nothing was to be added on that head, he said,

The  
court  
objecti-  
ons a-  
gainst  
lay-el-  
ders an-  
swered,  
*Journal*.

Another thing with which our adversaries do reproach us, is the admitting of lay-elders, and desired such of the members as pleased to speak to that head. Accordingly Messrs. *Robert Wilkie*, *James Bruce*, and *Andrew Ramsay*, ministers,

ministers, with the lords *Johnston, Lowdown, 1638.*  
and *Craighston*, and the laird of *Keir*, elders, did  
justify that office to the satisfaction of the as-  
sembly; but none of my authors condescend  
on particulars.

The same day, for the more speedy dispatch  
of business, and preventing confusion in pub-  
lick, three committees were appointed to ripen  
and prepare some of the most important affairs  
which were to be brought before the assembly.

At *Argyll's* desire, the first thing taken to  
consideration was the explication of the *Con-  
fession of Faith*, or *Covenant*, in which his lord-  
ship wished the assembly might proceed with  
great deliberation, lest they should bring any,  
who had sworn it in the sense he had done,  
under the suspicion of perjury.

On this occasion the moderator said, ' Al-  
' tho' we do not compare the *Confession* of any  
' reformed church with the word of God,  
' and are far from reckoning our *Confession* a  
' rule of faith, but only a form of *Confession*,  
' yet we have great reason to account honour-  
' ably of it. Other churches give a large tes-  
' timony thereto, and it were a shame for us  
' not to have the same good opinion of it; and,  
' that we may have this, it is necessary that  
' we clearly understand the particular articles  
' contained in the same, especially such as  
' have been controverted. Ye all know what  
' a great ado hath been made about this mat-  
' ter, some subscribing with an interpreta-  
' tion exclusive of the service-book and ca-  
' nons, and others subscribing the short *Con-  
fession of Faith*, with the general bond lately  
' urged by his majesty, without the applica-  
' tion

Several  
commit-  
tees ap-  
pointed,  
*Baillie*,  
p. 617.

as one  
for ex-  
plaining  
the co-  
venant,  
*Journal*  
and *Bail-  
lie*, p.  
617.

The  
modera-  
tor ex-  
tols the  
cove-  
nant,  
*Journal*.



1638. 'tion made by the council to the sense in  
 ' which it was originally sworn; ' therefor  
 he hoped that what should be now offered  
 would administer light that should shine to  
 others; but, because it would take a long time  
 to hear and peruse all the acts and books neces-  
 sary for clearing that *Confession*, he proposed  
 that a committee might be named for that  
 purpose, which the assembly agreed to; and  
 on that committee were named Messrs. *David*  
*Lindsay, Andrew Cant, James Martin, Henry*  
*Rollock, Thomas Mitchell, Walter Balcanqual,*  
*David Dickson, Thomas Wilkie, and Robert*  
*Henderson*, ministers; with the earl of *Roth-*  
*es*, the lords *Lowdown, Balmerino and Burleigh*;  
 the lairds of *Auldbar, Keir, and Cavers-Douglas*,  
 and dean of gild *Cochran*, with the provosts  
 of *Glasgow and Dundee*; and the earl of *Ar-*  
*gyll* was requested to attend them, which he  
 did most punctually. ' Upon this committee  
 ' (says Mr. *Baillie*) the ministers named were  
 ' not among the fittest; ' (by which, I suppose,  
 he means they were all of a side; and he  
 wishes that Mr. *Andrew Ramsay, Mr. Henry*  
*Rollock*, and himself, had been with them;) ' for  
 here alone (says he) my mind was, but  
 ' the elders were men fit enough.'

The  
 mem-  
 bers on  
 this  
 commit-  
 tee.

Mr.  
*Baillie's*  
 remark  
 concern-  
 ing  
 them,  
 Collect.  
 p. 618.

A com-  
 mittee  
 named  
 for con-  
 sidering  
 the ser-  
 vice-  
 book,  
 &c. *Ibid.*  
 and *Jour-  
 nal*.

Another committee was appointed for con-  
 sideration of the service-book, the book of  
 canons and ordination, and the high-commis-  
 sion, that it might be known to posterity what  
 great mercy the LORD had shewed in deliver-  
 ing us from them: As also that it might  
 be known to the world that the supplicati-  
 ons against these books had been just, and that  
 some monuments of their wickedness might  
 be

be left to the generations following; and on this committee were named Messrs. *Andrew Ramsay, John Adamson, Robert Baillie, Edward Wright, Alexander Petrie, William Menzies, John Oswald, Samuel Rutherford, Alexander Carse, John Hay* and *William Douglas*, ministers, several of whom had wrote against these pieces; but when they met, (Mr. *Baillie* says) the multitude of spectators put them in such disorder, that they were obliged to subdivide, and that even then he could do nothing in such a company, but that, out of his former writs, he drew up a paper which was afterward read in the assembly and approved.

Next, the lord *Montgomery*, in name of the complainers against the bishops, did urge that their complaints might be heard; whereupon the moderator said, 'The bishops were summoned in the best way that could be thought on, and now, since the assembly is fully constituted, and hath answered all the objections that they know of any moment against them, let us hear what is said of one of the bishops, and remit the rest to a committee.' Whereupon it was agreed that the libel against Mr. *Thomas Sydserf*, bishop of *Galloway*, should be first read; and he having been called on by the officer, the libel against him was read, containing not only all the articles common to the whole, but a number of particulars peculiar to himself, as errors in doctrine, sabbath-breaking, oppression, and other things related at great length; and, for shortening this and other processes of the kind, a committee was appointed to consist of the members who were already on the committee

and another for preparing the process against the bishops, *Journal*, and *Baillie*, p. 619.

of

1638. of bills, with one other minister from the bounds of every diocese, and the lords Eglington, *Wemyss* and *Johnston*, the lairds of *Tarbat*, *Wedderburn*, *Lawers*, and *Kinhilt*, Mr. *George Gordon* brother to *Sutherland*, and Mr. *Robert Cuninghame* provost of *Kinghorn*, the bailie of *Inverness*, and the town-clerks of *Haddington* and *Pittenweem*, elders; and, because the forms requisite on such occasions, were necessary to be observed here, Mr. *Robert Hamilton*, who formerly sisted himself, and produced a procuratory from the bishops, was called, that he might plead their cause, but he compeared not.

## SESSION IX.

The committee for trying of the registers allowed more time. *Journal.*

The moderator began with resuming the appointment of some committees to prepare affairs for the assembly, when *Lowdoun*, in name of the committee on *The Confession*, reported, that they had looked into the old registers and books of assembly, which were of such importance to their purpose, that without them it had been hard, if not impossible, ever to attain to a solution of the point: That, in general, they found a great harmony and cohesion in these acts to exclude both popery and episcopacy; but, the matter committed to their care being of so great importance, they were not ready to give out their judgment fully, and therefor craved the assembly's patience to do it accurately, which was granted.

A caution to them. *Ibid.*

The moderator added, 'That it were better not to touch that matter at all, than to do it slightly; yet, (*said he*) we allow not the committees to determine any thing, but on-



ly to ripen matters for the judgment of the 1638.  
assembly.

The committee on the complaint against the bishops was next called on, and Mr. Robert Murray, their moderator, declared that they were of opinion every prelate behoved to be separately tryed, and desired, if any had ought farther to inform the committee of, they might do it, and that the moderator would intimate this from the chair. The motion for information was agreed to, but touching the order of trying the bishops the moderator suggested, that some of the complaints were common to all the bishops, such as the breach of the caveats and limitations put on them by the assembly when they were first admitted to vote in parliament, which was so notour, that the committee needed not to trouble themselves with much proof; others of them were more personal, such as errors in their doctrine, and blemishes in their conversation, which, to be sure, required a special proof, and he wished that the bishops would answer for themselves. The sheriff of Teviotdale added, that tho' the transgressions of the caveats were known to them, yet not to strangers to whose ears the relation of their proceedings might come, and therefor it were necessary that all should be proven upon which the assembly were to found any sentence: And to this the assembly agreed, in regard *abundantia juris non nocet.*

Then the committee of bills was called on, and Mr. David Lindsay, their moderator, reported that they had read and examined several particulars which came before them; that there

F f f f

were

A motion for information against the bishops agreed to, Ibid.

and the proof necessary against them determined, Ibid.

Advice offered by the committee of bills,

1638 were two sorts of processes against a number of ministers; one sort which were closed before the several presbyteries where the delinquents live, who examined the witnesses, and took down the proof; there the committee were of opinion that nothing was left to the assembly but to inflict the censures due to their transgressions; and, another sort were those against whom processes were begun, but no proof yet led; here they desiderated whether it were more expedient to try these before the assembly, or remit them to their presbyteries or some special commission; and in end the latter was gone into, with an exception of some, as Dr. *Robert Hamilton*, in respect, it was reported that he was about to leave the country.

touching the tryal of certain ministers agreed to by the assembly, Ibid. and Baillie.

with an exception as to some, Ibid.

The committee for trying the service-book, &c. was next called on, but neither were they ready. Mr. *Andrew Ramsay*, their moderator, said that their task was tedious; a papal service-book, antichristian constitutions, and a superstitious book of ordination, the consideration of which would take them eight days at least. The moderator answered, that they needed not be so minute as if they were to dispute against an adversary, but only make such an abridgment of the errors contained in them as were worthy of that grave assembly.

The assembly enter on the tryal of the corrupt assemblies, Ibid. and Baillie.

And so, none of the committees having concluded any thing, the assembly entered on the tryal of the six assemblies, viz. at *Linlithgow*, annis 1606 and 1608. at *Glasgow*, anno 1610. at *Aberdeen*, anno 1616. at *St. Andrews*, 1617. and at *Perth*, anno 1618. who brought in all the innovations, and were the causers of all the divisions

visions and other evils then lying upon them. 1638. Of these assemblies every man did speak what he pleased, and foul charges were brought out against the most of them.

Concerning the assembly 1606. the moderator observed, that eight of the most worthy of the ministry were purposely called up to the court, that the course of conformity might receive no opposition from them; that the acts of that assembly were framed at court, and, when they came home, there was an act wimpled in among them, that bishops, *ratione officii*, should be constant moderators of provincial assemblies; and some other present members, who were also present at the assembly 1606. did bear witness that they never heard that act voted.

Observations touching the assembly, 1606. *Journal.*

Of the assembly 1608. Mr. *John Ker* informed that the nobles and barons were directed thither by the king, and voted without any other communion, and that, tho' there were no less than four or five members from several presbyteries, besides the 13 bishops, who had no commission, yet they had no elders; for proof whereof he appealed to several presbytery-books.

touching the assembly 1608. *Ibid.*

Against the assembly 1610. bribery and corrupting of members was fully instructed. Mr. *John Row* witnessed, that, he having been moderator of the presbytery of *Dunfermling* at that time, Mr. *George Gladstones* brought the king's letter for naming Mr. *John Stuart*, Mr. *Andrew Forrester*, and Mr. *William Paton*, (to whom he also brought letters) commissioners to that assembly; and that tho' they submitted to this order, he, with the assent of the presbytery, made these three ministers solemnly swear,

touching the assembly 1610. *Ibid.*



1638. swear, as they should answer to JESUS CHRIST, that they would admit of no alteration in the government of our church, nor consent to any thing that might derogate from her former authority; notwithstanding two of them acted treacherously, and the God of heaven made it evident to others that they had done so; for Mr. *Forrester* was convicted of taking silver out of the poor's box with false keys; and, having afterward fallen into a fearful distemper: 'I, says Mr. *Row*, 'was sent for to comfort him: 'When I came I found, that by some word 'chancellor *Seton* said to him as, *That he should be hanged for his conduct at that assembly*, he 'was impressed with a notion that he would 'be presently taken and executed. I endeavoured to persuade him to the contrary, and 'that it was only his own conscience accusing 'him for dealing treacherously in the matters 'of God, and advised him to acknowledge the 'truth to the glory of God. This he promised; and then I said to him, Brother, are 'you persuaded in your heart that God called you to the ministry? He answered, *Nay, nay, I ever sought the world, and so is seen on me*. Next, I asked what he got at *Glasgow* 'for selling the liberty of the church of Scotland? To which he made answer, *That he got fifty merks*; and, having so said, his horror recurred, and he apprehended that he 'was instantly to be executed. I besought 'him to pray; but he answered that he could 'not pray, and desired me to pray for him; 'and while I was praying the buttons did 'burst off his breast, and the blood gushed terribly both from mouth and nose. After 'prayer

God's  
judg-  
ment e-  
videnced  
against  
two mi-  
nisters  
for re-  
ceiving  
bribes,  
*Journal*  
and *Row*,  
p. 208,  
229.

‘ prayer I asked if he was prepared for death: 1638.  
 ‘ He answered, *No, woe is me!* and impor-  
 ‘ tuned me to deal for his life. Next day I  
 ‘ made him a visit, and found him senselessly  
 ‘ stupid, so I left him. — At length, being still  
 ‘ haunted with fears and terrors of conscience,  
 ‘ he deserted his calling, and demitted his office  
 ‘ in favours of Mr. *John Murray*.’ ‘ And, added  
 ‘ the same reverend father, Mr. *Paton*, who got  
 ‘ other fifty merks, fell under great poverty  
 ‘ and infamy; and the poor’s box being bro-  
 ‘ ken in his house, the bishop caused him re-  
 ‘ place other fifty merks there; so he made  
 ‘ little by that shift.’

Dr. *Guild* and Mr. *David Dickson* declared More in-  
 that they knew a minister who owned to them stances  
 that he had got 40 *l. Scots* at that assembly, of bri-  
 but, as this man seemed under deep remorse bery,  
 on that account, they would not name him: *Journal*.  
 Mr. *John Ker* said, he knew one Mr. *John*  
*Lauder*, who came to the earl of *Dunbar*, his  
 patron, for his bribe; but, being too late, he  
 got only 9 *l. 18 s. 2 d. Scots* for his share;  
 and several other brethren arose, and named  
 ministers who to their knowledge got money  
 at that assembly.

Touching the assembly 1616. the modera- Informa-  
 tor said, that the archbishop of *St. Andrews* tion a-  
 changed the acts of assembly, by adding and gainst  
 deleting at his pleasure, which was known to archbi-  
 several members, who offered to prove it on shop  
 the hazard of their lives; and that the bishop *Spottis-*  
 of *Murray* alledging they would lose the field, *wood*,  
 he, the archbishop, said, he would give idle *Ibid.*  
 ministers an errand; and thereupon he sent  
 for 36 ministers, who were not commissioners,  
 and

1638. and substituted them in the place of others who were lawfully chosen.

Objecti-  
ons a-  
gainst  
the as-  
sembly  
1618.

Little was said concerning the assembly 1617 in regard the legality thereof was not stuck to by the king nor bishops; but to the assembly 1618. it was objected, that it was not legally indicted; that the archbishop of *St. Andrews* assumed the chair as moderator, without election; that some members duly elected, but who were suspected to be opposite to the court-measures, were struck out, as *Mr. Walter Kinnier*, to make way for others who were expected to be more pliable. *Mr. David Dalgliesh* declared that the bishops suppressed reasoning against the articles, and that there was neither book nor bible opened, but the king's letter, which was read in every session immediately before voting, and, in the time of voting, the moderator cried still, *Remember the king!* *Mr. James Bonnar* declared that all those whom the bishops expected to vote for them had a mark of distinction prefixed to their names, and were first called on to discourage the rest from voting otherways, and the moderator declared, that the votes of the rest should not prevent the proclaiming of the articles by sound of trumpet. *Mr. James Cuninghame* declared, that he having quoted *Zanchius* as against these innovations, the moderator said, that the king was wiser than a thousand of him. That the archbishop taking off his hat, which he kept on all the time of his preaching, called God to witness that he never knew of the *five articles* till the king sent them down with orders to ingross them in the assembly-books, and, when these *articles* came to be voted, they were all put together,



gether, and the members commanded either to 1638.  
grant all, or deny all, and the question was art-  
fully stated, *Whether, in respect of the king's com-*  
*mandment, the five articles shall pass into an act or*  
*not?* And the same grave divine added, that,  
to induce the members the more easily to con-  
sent to the *articles* being inserted in the assem-  
bly-books, the archbishop assured that the  
members should never be urged with the prac-  
tice of them, and so, for the king's pleasure,  
many gave way to the inserting that act in the  
book, who, for conscience sake, would never  
practise them.

For putting the nullities of all these assem-  
blies into a formal act, the following commit-  
tee were named, viz. MINISTERS, Messrs.  
*James Sharp, Richard Inglis, Gilbert Murray,*  
*William MacKenzie, John Row, John Robert-*  
*son, and John Ker.* ELDERS, The earl of Home,  
the lords *Sinclair, Yester, Balmerino, Cowpar and*  
*Cranston, Mr. George Gordon brother to Suther-*  
*land, Sir Thomas Ker, Lammington, Mr. Robert*  
*Barclay, James Sword, George Jamieson, and*  
*Andrew Baird;* and thereupon the assembly  
closed that sederunt, that the committees might  
have more time to prepare business for the  
next.

A com-  
mittee  
named  
for fram-  
ing an  
act on  
these  
nullities,  
Ibid. and  
Baillie.

### SESSION X.

This day, having been appointed for pro-  
nouncing sentence against some ministers who  
had been tryed before their respective presby-  
teries, found guilty and suspended, but remit-  
ted for a higher censure to the judgment of  
the assembly, the moderator discoursed grave-  
ly on the power of the church, to this effect,  
‘ We should do nothing without a warrant : I  
‘ doubt not ye are better acquainted with the  
grounds

A differ-  
tation on  
the in-  
trinsic  
power of  
the  
church,  
Journal.

1638. grounds whereupon we ought to proceed  
 ~~~~~ than I can exprels; yet, seeing I am in this  
 place, I judge it my duty to suggest to you,
 in all humility, that no family, incorporati-
 on, city, republick or kingdom, can subsist
 without order; and in the midst of the world,
 where the devil is opposing, and corruption
 working mightily, we may be assured, that
 the word of GOD cannot be preserved from
 perverse and impure mixtures, without go-
 vernment and ecclesiastical discipline: To this
 our LORD giveth the name of *the keys of the*
kingdom of heaven, a glorious name indeed!
 and the apostle, 1 Cor. v. calleth it a power
 committed to the church. The end of it is
 not destruction, but edification, and the na-
 ture of it is ministerial. Tho' the power be
 great, it is principally in his hand who is
 the Master and Lord of the house. The
 SON of GOD hath indeed absolute power,
 but we are only his ministers and servants.
 Ye know it is required in a *servant*, and especi-
 ally in a *steward*, (and we are called stewards
 and dispensers of the mysteries of GOD)
that they be found faithful, and therefor we
 must strive to approve ourselves in his sight
 who is set over the house. The power
 committed to us as ministes is very great,
 if we consider the effects of it, recorded
Matth. xviii. There we find, that, if we go on
 in censuring an obstinate delinquent, tho'
 it were the length of excommunication, he
 against whom the sentence is so pronounced
 is accounted a *publican*; or, if ye think the
 apostle's words more, he is *given over to the*
hands of the devil; he is put out of the church
 into Satan's bounds, for Satan's kingdom is
 without

' without the church; and altho' it be horrible 1638.
 ' to think on such a thing, yet it is necessary
 ' the word and sacraments be purged of inven-
 ' tions which men pester them with, and the
 ' house of God should be purged of scandal
 ' and leaven. Hereby also God is glorified,
 ' as, in despite of the devil and the world, *he*
 ' *will be sanctified in all those who draw near to*
 ' *him.* The terrible example of *Nadab and Abi-*
 ' *bu* is a sufficient document of this; and if
 ' those against whom the sentence passeth be
 ' not in a damnable case and incorrigible, it
 ' serveth for the subduing of the flesh and
 ' awakening of the spirit, but this is the last
 ' and most extream remedy; therefor it is
 ' necessary that we, who are here assembled in
 ' CHRIST's name, go on with his authority;
 ' remembering that, tho' we are weak and un-
 ' worthy instruments, the keys he hath put
 ' into our hands are *the keys of the house of*
 ' *David, who shutteth and no man openeth, and open-*
 ' *eth and no man shutteth.* And I may give you
 ' assurance in the name of our LORD, that if
 ' we go on as we are warranted, without parti-
 ' ality or respect to men, but sincerely eying
 ' the glory of God and the welfare of his
 ' church, *that which we do on earth he shall ratify*
 ' *in heaven.* And then he desired, if there
 were any complaints, that they might be pre-
 sented and read.

Upon this Mr. David Lindsay, who had the
 chief charge of the bills, and had such dexte-
 rity in that kind of employment, that to the
 end of the assembly the preparing of such
 business lay chiefly on him, did present a
 process which was closed before the presby-
 tery

The
 commit-
 tee of
 bills re-
 ported
 three
 processes
 against
 Mr. Mit-
 chell and
 others,
 Baillie.

1638. tery of *Edinburgh* against Mr. *David Mitchell* minister in *Edinburgh*, and two processes which were closed before the presbytery of *St. Andrews*, the one against doctor *Pamther* professor of divinity in the new college there, and the other against Mr. *Alexander Gladstones* one of the ministers of *St. Andrews*, and archdean of that see.

The moderator's observation on that event, *Journal*.

The reading of these processes was interrupted with an observation by the moderator, that they ought to be heard with a feeling sense of compassion towards the persons guilty, and yet with joy that the Lord is putting hand to the purging of his own house.

The sum of Mr. Mitchell's process, *Baillie*.

Then the process against Mr. *Mitchell* was read, and it was found proven, by several witnesses, that he had for a long time grieved the whole land with the doctrine of the party, viz. *Arminianism* in all the heads of it, and several points of popery; beside his declining of the assembly, which, *per se*, was accounted relevant to infer deposition. While the lord commissioner abode with the assembly Mr. *Mitchell* attended the bishop of *Ross* at *Hamilton*, and was greatly carressed there, tho' such were his manifold avowed errors, that, without serious repentance, no person of integrity could have kept communion with him.

A repartee given to one for commending him, *Journal*.

While his case was in agitation, Mr. *Andrew Ramsay* having commended him as a man of good natural parts, *Rothas*, in a smart repartee, observed, that *Bellarmino* was a man of fine parts, but he would have made a bad member of the church of *Scotland*; which having been thought, by Mr. *Andrew*, a little too severe, the moderator took occasion to observe, 'that there were

were two sorts of *Arminianism*, one that troubled the churches in the *Low-Countries*, which was nothing else but the way of *Socinianism*, and *Socinianismus inchoatus est Arminianismus confociatus*; —and there is another sort of *Arminianism* maintained by some in *England* and *Scotland*, which pointeth to popery, and is *inchoatus papismus*. And, if we consider how our doctrine, taught since the reformation, began to be depraved by *Arminianism*, and next that the external worship of God was changed by the service-book, How can we but admire the LORD's goodness in his appearing so seasonably for us, that, if adversaries to the truth had not been stopped in their career, our case had been miserable beyond conception?

Dr. *Panther's* process was next read, in which it was proven, that, beside recommending *Canterbury's* method of study to our youth, viz. to begin with the *papist* school-men and fathers, and to close with protestants, a most unhappy and dangerous order, he had, in his notes, turned aside to the *papist* justification, and, in his discourses on original sin, to the grossest *Pelagianism*, beside other points of *Arminianism*. On which Mr. *Baillie* observes, 'that, tho' they (the ministers) were dumb, the heavens did cry for vengeance against the bishops, for suffering the church to be undermined with such instruments of their own making and maintaining.'

And then archdean *Gladstones's* process was read, which, exposed him for such a monster of drunkenness and atheistical profanity, that *Rome* could not, even while living in *paganism*, have

1638.

Dr. Panther's crimes, Baillie.

p. 621.

and Dr. Gladstones's, Ibid.

1638 have suffered such a beastly man to be a priest to *Bacchus*; and what made his case the more remarkable was, that in his youth he was a handsom genteel man, had a competent estate, was a pretty scholar, very eloquent, wise and discreet, free of all vice, and was in favour with the king, court and country; but, having cast away the fear of God long before this, all these gifts of body, estate and mind had evidently left him.

Sentence against them deferred till the evil of Arminianism was exposed, Journal. These processes being all read, the moderator desired that the assembly might defer pronouncing judgment till they explained *Arminianism*, the error whereof especially these men were convicted; for, *added he*, tho' there hath been a great and lamentable schism for many years, yet few points of heresy could be objected to any till of late years; so that it was no wonder that many, both ministers and elders, were not so fully acquainted with those differences as otherways they might have been; and, for their information, he proposed that some ministers of known ability, and best acquainted with that controversy, might be appointed to clear it; which motion having been agreed to, the moderator named for that purpose Mr. *David Dickson* and Mr. *Bailie*, to whom he recommended to be ready against next sederunt, and then closed with prayer.

SESSION XI.

Preachers appointed for the week, Bailie. The first action of this day was the appointment of preachers for the week, for every day except *Saturday*. There were morning-exercises in two of the churches, by which the people were much edified; and in one thing only the

the worse, that after this they were in hazard 1638. of undervaluing some of their own ministers; and yet these sermons did not always escape censure; for this same morning, Mr. George Gillespie having, with great learning and judgment, explained these words, *The king's heart is in the hands of the Lord, &c.* the earl of Argyll thought he touched the royal prerogative too near, and he gravely admonished the assembly to let authority alone, which all took in good part, and the moderator did support what his lordship had said in the following off-hand easy discourse.

We are obliged to the good providence of God, who hath given us so wise and honourable a monitor, perhaps rather to prevent that which might ensue, than to censure any thing that is done, and surely we ought to consider, that altho' the church of CHRIST, and especially in such a council as this, have very great power, yet they have great need to observe the limits of their power. Our power is not autocratical, but ministerial and subordinate. We ought to give the LORD his own sovereignty, and next to give every one their own place; *honour to whom honour.* Let the LORD have the first place, who *will not give his glory to another*, and let Caesar have his own place. Surely he did think and speak distinctly of this purpose, who said, God, or his Spirit speaking in the scripture, is *Judex, the church the Index, and the christian magistrate the Vindex*; and so give every one his own place. The judgment of sovereignty and absolute jurisdiction belongeth to God only, and this is that which must keep us in the right way, and

Argyll
advises
not to
rub too
fore on
authori-
ty,

and the
modera-
tor sup-
ports
that ad-
vice,
Journal.

1638. and without which our weak wits would wander into the by-paths of error. Seeing then it hath pleased God to manifest his will in his word, we should, as if he were among us, and as if we heard his voice, study to discern his voice, and to govern our proceedings thereby, and to content ourselves with the interpretation of the scripture, or with the indications of it, as that word which I have already used doth signify; and next, the magistrate being the keeper of both tables, and an avenger on the breakers of both, we ought to judge charitably, and speak reverentially and modestly of him in his absence, like a late worthy minister, well known to many of us, who having often preached in the presence of king *James*, used then to give free warning against what he judged amiss in his majesty's conduct; but, when he was absent, none recommended subjection and loyalty more than he; therefor let us carry ourselves as in the sight of God, and next as in his majesty's sight; and then, if matters are not made worse by report, we shall at least have the testimony of our own consciences, that we have behaved as becomes good subjects, and I hope the spirit of wisdom and piety will so conduct us, as no man may justly censure us.

Mr.
Dickson
discour-
ed a-
gainst
Arminia-
nism,
Journal.

Then Mr. *David Dickson* was called to discourse on the errors for which Mr. *Mitchell* and others were to be condemned; and, after prefacing that error should be held in as great detestation as any vice, and that, if our eyes were open to see the beauty of truth, and the good fruits of it, and the vileness of error, and the

the fearful consequences thereof, we would need no exhortation of that sort. He laid out the *Arminian errors* in four heads; *next*, he explained their doctrine in other four; *thirdly*, he exposed the colours which they used instead of probation; *fourthly*, he condescended on some of the chief reasons and grounds, in respect whereof the dispute was wrong on the *Arminian* side; *fifthly*, he shewed the bulwark (for I use his own words) upon which the orthodox stand, and then concluded with answering some objections; but tho' he acquitted himself so well, that Mr. *Baillie* was made to admire his wit and dexterous way of expressing himself, yet his speech is so long, and so much laid in the form of a sermon, that I am afraid his otherways valuable discourse would not suit the taste of the present age.

After him Mr. *Andrew Ramsay* had an *ex tempore* discourse to the same purpose, and then the moderator said, 'We have reason to bless the LORD, that, before this error spread very far, he hath nipped it in the bud, and raised up some spirits to acquaint themselves therewith so fully, that they are able to refute it;' and then, with respect to the error itself, he added, 'I have some times heard that there be two very small points wherein this error seems to consist: They are like two grammarians disputing, whether the word *elect*, or, in *Latin*, *electi*, be *nomen* or *participium*. The *Arminians* make it *nomen*, and we hold it to be *participium*. The question is, Whether we believe because we are chosen, or whether we are chosen because we believe? We say that our election proceedeth from

And after him
Mr.
Ramsay
and the
moderator, *Ibid.*

1638. ' from GOD's free grace, and that we are cho-
 ' sen to faith; *they say*, that GOD chused men
 ' because they believe. Again, there is another
 ' word, the meaning whereof hath been much
 ' disputed betwixt the *Arminians* and us, and
 ' that is about the signification of the word *pro*.
 ' They take it that CHRIST died *pro omnibus*,
 ' for the behoof and benefit of all men; but
 ' *we say*, that it means *vice omnium*, that is, as
 ' scripture taketh it, for some of all sorts; and,
 ' if it be taken *vice electorum*, these must be sa-
 ' ved in whose place CHRIST died.'

The
 mode-
 rator de-
 scribes
 the cen-
 sure of
 deposi-
 tion,
 Ibid.

And now, the way being thus far paved,
 Mr. Mitchell's process was read, with the acts of
 assembly relative to deprivation; at which time
 the moderator was pleased, for explication of
 that high censure, to observe, ' that there is
 ' a difference betwixt the censures of the
 ' church of *England* and ours; they make a dif-
 ' ference betwixt deprivation, deposition and
 ' degradation; they say deprivation taketh a-
 ' way one's benefice, deposition his office, and,
 ' according to the *Book of Martyrs*, the priests
 ' of old were degraded when they made apo-
 ' stasy from the *Roman* religion; and they
 ' maintain with the papists, that, notwithstand-
 ' ing of all their censures, there remains some-
 ' thing which they call *character indelibilis*, a
 ' certain impression, they know not what, put
 ' upon the soul of a man when he receiveth
 ' ordination; but censures used on our mini-
 ' sters, beside admonition, are suspension for a
 ' time, and deprivation, or deposition, two
 ' names which have one and the same mean-
 ' ing, and includes both office and benefice:
 ' Now, one of these censures hath been alrea-
 ' dy

dy inflicted on Mr. David Mitchell for the 1638.
 reasons specified in his process, which ye
 have heard read; and to these he hath since
 added the highest contumacy in declining
 the assembly, contrary to act of the general
 assembly 1595. therefor speak your minds.'

Upon this several members gave their opi-
 nion, that Mr. Mitchell was clearly convicted of
Arminianism and many points of popery, con-
 trary to the doctrine of the reformed churches,
 particularly of the church of Scotland; that he
 had even gloried in teaching universal grace,
 and universal efficacy of CHRIST's death, re-
 sistibility of grace, and apostasy of the saints,
 &c. that, by means of the bishops, he procured
 an order to stop his tryal before the presbytery,
 and that he had declined this assembly; there-
 for all were of opinion that he merited to
 be cast out of the church; and the roll having
 been called, the whole assembly did unani-
 mously vote his deprivation, which, after an
 apology by the moderator, that none present
 were more averse to use severity than he who
 never did the like before, he did pronounce
 sentence in these words: IN THE NAME of
 JESUS CHRIST our LORD and SAVIOUR, and
 in the name of this assembly convened in his
 name, I declare that Mr. David Mitchell, mini-
 ster at Edinburgh, shall no more exerce the func-
 tion of the ministry; and, for that which is laid to
 his charge, and proven against him, he is not wor-
 thy of any ministration of the word and sacraments
 in the church of GOD, and declare his place to
 be vacant, and ordain the presbytery of Edin-
 burgh to make intimation of it in their churches.

Mr.
 Mitchell
 deposed,
 Ibid.

The
 form of
 the sen-
 tence.

H h h h

The

1638. The last business at this sederunt was the reading of a letter from the bishop of Orkney, presented by his son, bearing that old age, sickness, and the length of the journey, were the only causes of his non-compearance, and submitting himself *simpliciter* to the judgment of the assembly; and it was believed that the most part of the other bishops were holden back from complying by their fear of the king's wrath, and hopes of relief from his forces.

An apology offered by the bishop of Orkney, Ibid. and Baillie.

SESSION XII.

Mr. Baillie made a learned discourse against Arminianism, Journal.

After prayer Mr. Baillie was called to discourse on the errors of the *Arminians*, which he did, and, according to the *Journal*, the same was both long and learned; he got thanks from the moderator, and was often importuned to allow copies to be taken of it. Of that speech we have seen no copy; but this learned man's mind on *Arminianism* may be seen in his *Diatriba tres*. 1. *De hereticorum autocraticis*. 2. *An quicquid in Deo est Deus sit*. 3. *De predestinatione*; and in his *Laudensium autocraticis*; i. e. *The Canterburians Self-conviction*; or, a *Demonstration of the Arminianism, popery and tyranny of that faction*, which were both published.

The commissioners from Edinburgh complained of several of their ministers,

Then the commissioners from *Edinburgh* gave in grievances against Mr. Hanna the dean of the chapel-royal, and Mr. Alexander Thomson, and Mr. Fletcher, for practising the service-book, and declining the assembly, and against Dr. Elliot, as having been obtruded on them by Sir John Hay, as too weak for that ministry, and for having read the liturgy in a diocesan synod; but the assembly not having time to spend on all the particulars of that kind which might

might be offered to their consideration, they 1638.
 nominated the moderator, with Messrs. *John Ker*, *Andrew Blackball*, *James Fleeming*, *John Oswald*, *James Porteus*, *Robert Douglas*, *Richard Dickson*, *Robert Crauston*, *Frederick Carmichael*, and *James Simpson*, ministers; and *Rother*, *Montrose*, *Lothian*, *Lindsay*, *Lowdown*, *Balmerino*, *Oldban*, *Waughton*, *Cavers*, *Douglas*, *Mr. George Gray*, and *Mr. Robert Cuninghame*, elders, or any thirteen of them, seven being ministers, as a committee, to sit at *Edinburgh* the end of *January* then next, and to these they gave full power and commission to hear all complaints given in against the above ministers, and any others which should be remitted by the assembly to their cognizance, and to proceed the length of deposition, if it were found their crimes deserved that censure, according to the acts and practice of the church in like cases.

The same day complaints were given in against *Mr. William Maxwell* minister at *Dunbar*, and *Mr. George Sydeserf* minister at *Cockburnspath*, for very corrupt doctrine, tyrannous compulsion of their parishioners to conform to *Perth articles*, and for declining both the assembly and their presbytery, and appealing to the king; and they were referred to the committee of *Edinburgh*, by whom they were deposed.

Two ministers in *East-Lothian* remitted to the committee for *Edinburgh*, Ibid.

At the same time the town of *St. Andrews* gave in a complaint against *Dr. Wisheart* for deserting his ministry during the space of eight months; but, tho' wilful desertion for so long a time might infer deposition by the rules of the church, the assembly thought fit to put off any present consideration of that affair.

A complaint against *Dr. Wisheart* put off, *Baillie*.

Upon

1638.

A com-
mission
for try-
ing the
ministers
in *Angus*,
Journal.

Upon a complaint of the provost of *Dun-dee*, and the gentlemen of *Angus*, against some ministers in that town and country, who had declined the assembly, and behaved as back-friends to the cause, there was a committee named to try these, with the same powers as that of *Edinburgh*.

Dr.
Glad-
stones
deposed,
Baillie.

Next, the assembly resumed the affair of *Dr. Gladstones*, and with one mouth they deposed him, which sentence was pronounced by the moderator; and doctor *Panther*, his coadjutor in these courses, was afterward referred to a committee, by whom he was also deposed.

And the
six cor-
rupt as-
semblies
disannul-
led, *Ib.*
and
Journal.

And then Mr. *John Robertson*, who had the chief charge of drawing up reasons for disannulling the six corrupt assemblies, gave a good account of that task, and the reasons he produced were, after a full hearing, long reasoning, and invitation by the moderator to all to propone their objections, if they had any, unanimously approved by the assembly: As they are amongst their printed acts, it were unnecessary to swell this history with repeating them; we only notice, that, in the act condemning these corrupt conventions, this assembly say that these reasons were confirmed by the registers of the assembly, the presbytery-books, the king's letters, and by the testimony of several old ministers, the last of which we have already related under the ninth session, and only add, the moderator's observation on this affair. 'This assembly (*says he*) have unanimously condemned these assemblies, and I hope they shall be looked on as so many beams, that we strike not again on such rocks; *pathemata mathemata, nocumenta documenta.*'

S E S.

1638.

SESSION XIII.

From the condemnation of the unlawful assemblies, which was the work of the preceding diet, the moderator inferred these clear consequences, that all who entered to the ministry under the bishops were now free of their oath for conformity; and that presbyteries, and other church-judicatures, having been unjustly and violently obstructed by the bishops, had done well in throwing off their yoke as soon as they could, and in exerting the powers competent to them, by deposing unworthy ministers, and admitting others which had been refused by the bishops, tho' more worthy of that holy vocation; and he exhorted that the several judicatures should now use that power faithfully which the Lord had committed to them freely.

This argument was well supported by Mr. *David Dickson* of the ministers, and *Lowdown* of the elders; and, at their desire, an act was extended upon it, declaring the oaths imposed by the bishops upon intrants into the ministry to have been from the beginning unlawful; and that the power of presbyteries and provincial and general assemblies had been unjustly suppressed; and therefor that it was most lawful to them to admit, suspend, or deprive ministers *respective* within their bounds upon relevant complaints sufficiently proven, to chuse their own moderators, and to execute all the parts of ecclesiastical jurisdiction according to the powers committed to them.

The rest of this diet was taken up in the tryal and censure of delinquents. The witnesses

The consequence of condemning the unlawful assemblies, *Baillie.*

The oaths imposed on intrants condemned, and the power of church judicatures asserted, *Ibid. and Baillie.*

Witnesses against the bishops.

1638. les adduced against the bishops of *Galloway*, *St. Andrews* and *Brechin*, made oath in presence of the assembly, and were remitted for examination to the committee of bills; for, according to principal *Baillie*, that was the constant course in all processes which came before this assembly.

Collect.
P. 626.

A complaint on
Mr. Hanna's
Journal.

Next, there was a complaint moved against Mr. *George Hanna*, and the minister of *Dirleton*, which was referred to the committee at *Edinburgh*.

Dr. Hamilton
deposed,
Ibid. and
Baillie.

After this the process against Dr. *Hamilton*, procurator for the bishops, was called, and some of his foul stains exposed. Beside his open contempt of the assembly when he gave in the bishops declinature, and bidding the officer who summoned him go hang himself, adding, that he was not a traitor, to compare before rebels, and that he was an honest man than any among them, it was clearly proved against him, that he frequently deserted his flock, and stayed from them three, four, and sometimes five months at a time; that he was a great profaner of the *Sabbath*, and an adviser and encourager of his people to dance and play at the foot-ball on that day; that he was an ordinary adorning of his speech with such phrases as these, *I protest to God; by my conscience; on my soul*; and sometimes would have cleared himself of *Puritanism* by higher asseverations than these; and that he was a violent persecutor, even to excommunication, and denying of marriage and baptism to those of his parishoners who would not communicate kneeling. For these things he was unanimously deposed by the assembly; nevertheless.

less he continued obstinately to exercise his ministerial function for a few weeks, till, being put in fear of excommunication, and of being insulted by the people, he fled to England, where, by the favour of archbishop Laud, he was afterwards preferred to the bishoprick of Caithness; but God never suffered him to enjoy that unsanctified morsel.

After this there was another process read, against Mr. John Creighton minister at Paisley, and no fewer than 48 points of popery and Arminianism, beside several scandals in his life and conversation, proven against him, for which the assembly unanimously deposed him from all function of the ministry, and declared his place vacant.

And then the complaint against the archbishop of St. Andrews was read. The moderator recommended accuracy in the tryal, and urged this from the hazard they were in of having their actions sifted to the uttermost; and then, considering the accusations against the bishops were of two sorts, the one common to all, viz. the breach of the caveats, and the other of particular crimes peculiar to some, he proposed that they might begin with the first, and proceed in it, so as to make their procedure with one a rule for the rest; and so they fell on archbishop Spottiswoode's breach of the caveats, but had proceeded short length till the ordinary time of their being together was exhausted.

SESSION XIV.

This day four treatises against the service-book, the book of canons, the book of ordination, and the high-commission, composed by so many

1638. many members of the committee named in the eighth session, were read and approved, and it was resolved to have put them all in print, but the multitude of publick affairs, which thereafter occurred, did disappoint them of that honour, unless it was Mr. Baillie, whose *Parallel betwixt the Service-Book and the Mass-book* was afterward published; however, by these the assembly were determined to make the four following decrees, viz.

The Service-book condemned, lb. 1. That the service book, both as to manner and matter, had been devised and brought in by the bishops, without direction from the church, and been imposed upon ministers, without warrant from the church, under the highest pains: That, beside the popish frame of it, the same contained many popish errors and ceremonies, and the seeds of gross superstition and idolatry, for which the assembly rejected and condemned it.

The book of canons condemned, Ibid. 2. That the book of canons had been devised by the bishops, without warrant or direction from the general assembly, and did establish a tyrannical power in the persons of the bishops over the worship of God, men's consciences, liberties and goods, and overthrew the whole discipline and government of the church, for which the assembly did also reject and condemn it.

The book of ordination condemned, Ibid. 3. That the book of consecration and ordination was framed by the bishops, and introduced and practised without warrant of civil or ecclesiastick authority; that it established offices in the church of God which are not warranted by his word; that it is repugnant to the discipline and constitutions of our church, a

bar in the entry of worthy men to the ministry, and impeded the discharge of ministerial duties, for which they also rejected and condemned it. And,

4. That the high-commission court had been erected without the consent of the church or estates of parliament; that it subverted the jurisdiction of the church; that it was not regulated by laws, civil or ecclesiastick, but at the discretion and will of the commissioners; and that it gave to ecclesiastical persons the power of both the swords, and to persons merely civil the power of the keys and church-censures. For all which the assembly disallowed and condemned the same, as unlawful, and prejudicial to the liberties of the church and kingdom, &c.

By this time, the day being far spent, the assembly had only time to take the oaths of certain reverend and honourable members, adduced as witnesses against the bishops, who were remitted for examination to the committee of bills; and intimation was made by the moderator, that these persons were not to be admitted as judges in this affair.

SESSION XV.

In this session, there was produced a letter from Mr *Alexander Lindsay*, bishop of *Dunkeld*, wherein he submitted himself *simpliciter* to the judgment of the assembly; and it was pled in his favour, that he had admitted several ministers in his diocese, without taking them bound to conformity; and that he had not subscribed the declinature. Which no doubt had influence with the assembly, to mitigate their censure

1638, with respect to him, as may be noticed when we overtake his process.

A complaint on Mr. Haliburton, referred to his presbytery, *Baillie.*

At the same time the lord *Lindsay* brought in some heavy complaints against Mr. *George Haliburton* minister at *Crail*: But it appearing to the assembly that the matter was exaggerated, they referred the same to the presbytery of *St. Andrews*; who passed him with a reproof for negligence in counting for some money which belonged to the poor.

and another on Mr. *Auchinleck* dismissed, *Ibid.*

Mr. *James Auchinleck*, a minister in the presbytery of *Dundee*, was like to have met with a more severe measure. A complaint was made on him for defending the doctrine of universal grace, and a committee was named for inquiring into that matter; but, after much private conference, and some publick agitation, he disclaimed that doctrine, and satisfied the assembly of his orthodoxy.

The processes against three of the bishops finished.

And now the processes against the bishops were resumed; and three of them, viz. those against Mr. *Thomas Sydserfe*, bishop of *Galloway*, Mr. *John Spottiswood*, archbishop of *St. Andrews*, and Mr. *Walter Whitefoord*, bishop of *Brechin*, were this day finished. The breach of the caveats was common to them all; and for personal crimes, it was found clearly proved,

Galloway's crimes, Journal, and Baillie, p. 639.

That the bishop of *Galloway* taught *Arminian* tenets; that he kept a crucifix in his closet, and defended the use of it by his own comfortable experience; that he, at his own hand, indicted two anniversary fasts in his diocese; that, at his diocesan synod, he compelled the ministers to receive the sacrament of the supper kneeling; that he had deposed and procured

procured the banishment of some of the most 1638. eminent of the ministry, merely for nonconformity, and fined and confined some gentlemen for no better reason; that he had embraced excommunicated papists, and professed more love to them than to puritans; that he condemned the exercise of family-prayer, and that he was an open profaner of the *Sabbath*, by buying horses, and doing his other secular affairs thereon.

Against the archbishop of *St. Andrews* personally it was found proven, That he was an ordinary profaner of the *Sabbath*, by playing at cards and dice in time of divine service, and sometimes riding thro' the country the whole day; that he was a tippler in taverns, sometimes till midnight; a falsifier, with his own hand, of the acts of *Aberdeen* assembly, and an avowed reproacher and slanderer of our old assemblies, and of the *national covenant*. And, besides all these, it was publicly undertaken, if the assembly would name a committee, to take a proof near to the place where the witnesses lived, that he, the archbishop, was guilty of adultery, sacrilege, and frequent simony. But the assembly judged what was already proved against him sufficient to infer the highest censures which they could inflict.

And the bishop of *Brechin* was found guilty of several acts of adultery and excessive drinking, using of a crucifix in his closet, and preaching of *Arminian* and popish tenets, and of being universally infamous for several other offences.

For these crimes *respective*, (which we have the rather repeated, because the *Large Declaration*

St. Andrews's crimes, Ibid.

Brechin's crimes, Ibid.

These three were deposited, L. Dec. p. 317.

1638. *ration* doth artfully conceal them, and condemn this assembly, for accusing the bishops of personal crimes, as if no such thing had been proved against any of them), the three bishops before named were severally deposed and excommunicated, in the order their processes came in, without a contrary voice, except Mess *Robert Baillie* our author, *Andrew Ramsay*, *Sylvester Lammie*, *Andrew Keir*, and provost *Bell*, who voted Depose, but Not excommunicate; which last censure they stuck at, in regard they were of opinion, that admonition ought to have preceeded the same. But, after deliberate consideration of the many aggravating circumstances in the case, and that the bishops had, in a most contemptuous manner, declined that lawful assembly, they did next day testify their assent to that censure also.

A speech
by the
moderator
on
that oc-
casion,
Journal.

Before sentence was given against the bishop of *Galloway*, the moderator had a speech to the assembly, to reconcile their minds to the step intended; the inserting whereof may be of use for justifying that high censure. We must not, *said he*, account of mens faults according to the estimation of the world; for many think, if a man be not a drunkard, a thief, or otherways hurtful to civil society, that he is a good man, whatever faults he be guilty of: But we ought to think otherways. Not that I would extenuate the foresaid crimes; but we ought to consider, that the habitual and ordinary transgression of a publick law by churchmen, is a still greater crime: For, as schoolmen speak, *spiritualia peccata* are greater than *temporalia peccata*; so
say

I say I; the preaching of false doctrine and 1638.
 venomous poison of that kind, to seduce the
 people from their profession, to popery and
 idolatry, must have a great censure; and this
 man's breach of the caveats, bringing in of
 the service-book, which you have already con-
 demned for the great guilt involved in it, and
 declining of this lawful assembly, abstracting
 from his personal faults, deserveth no less
 than excommunication. I remember to have
 heard of a sort of excommunication in the
 church of *England*, which they call excom-
 munication *ipso facto*; but this is not practised
 here: And there is an excommunication
 which the papists call *excommunicatio lata sen-*
tentia, quasi jam sententia esset lata; that is,
 when a man committeth a crime meriting
 excommunication, the church shall declare
 him excommunicated. And with us there are
 two kinds of excommunication practised:
 The one is, when a person, tho' guilty of a
 crime meriting excommunication, doth not
 add contumacy; there admonition must pre-
 ceed the pronouncing of the sentence. And
 the other is called *summary* excommunica-
 tion, and is only used when a person, guilty
 of some gross crime, doth obstinately persist
 in and justify the same, as this pretended
 bishop hath done in his declinature. It is
 known to you, that the church of *Scotland*
 have been in use to excommunicate papists,
 and persons disobedient to the discipline of
 the church, from partaking of the holy com-
 munion; and seeing the bishops are guilty in
 both these respects, why should not that high
 censure be inflicted on them? What a reve-
 rend

1638. *Wend father, Mr. Andrew Melvill, said of
archbishop Adamson, viz. That the old serpent
had so stung him with avarice, and he swelled
so exorbitantly with pride, as threatened the de-
struction of the whole body, if he were not cut off,
doth evidently hold of the present pre-
tended bishops; and therefore it seems ne-
cessary that the last mean be essayed; and let
us solicit God to make his ordinance ef-
fectual for the destruction of the flesh, that
the spirit may be saved in the day of the
LORD JESUS.*

SESSION XVI.

*Glasgow
pleads
for fa-
vour.
Baillie*

So soon as the assembly were met, the earl of *Wemyss* represented, that the archbishop of *Glasgow* had intreated his lordship to deal for favour toward him; and alledged, that he was urged by the lord commissioner, and the bishop of *Ross*, to subscribe the declinature, and had done it for his grace's pleasure, much contrary to his own inclination. Upon which the assembly sent some of their number to converse with the bishop: But, tho' he seemed oft not far from submitting simply to the assembly, he still hesitated, so that they left him as they found him; and it was believed, that his hope of obtaining a pension of 5000 *l.* promised to him by the court, did overbalance any fear he was in of the censures of the church. Notwithstanding, both the higher excommunication, and the disappointment of his pension, fell upon him at once, and he was nigh reduced to as great misery as ever archbishop *Adamson* was.

*Argyll
urges an
explica-
tion of
the co-
venant,
Ibid. and
Journal.*

After the affair concerning the bishop of *Glasgow* was ended, the earl of *Argyll* urged the

the necessity and expediency of clearing the doubts, which were now grown frequent concerning subscription of the national covenant; viz. whether episcopacy was abjured by that covenant, as understood in the year 1580; and this his lordship did the rather desire now, because he was obliged to go to *Edinburgh*, and attend the privy-council, which was to sit there, and it was feared for no good end, which was soon discovered to be the case: For the lord commissioner fearing, lest it should be found that the covenant, as sworn in the year 1580. when there were no bishops, nor other rites of episcopacy in force amongst us, did really and materially exclude and reject episcopacy and ceremonies, caused Dr. *Balcanqual* draw up a Declaration, explaining that covenant in a way which did not abjure episcopacy and *Perth articles*, &c. which was published in his grace's name, and to this a full answer was given in *February* thereafter. But both these long papers having been printed by themselves, and being likewise inserted in *The Large Declaration*, it were impertinent to make any farther digression concerning them in this place.

Argyll's motion having been accounted highly expedient, a compliance with it was immediately entered upon; and the committee which had been named for ripening that matter, were called upon to report their diligence; whereupon the noble lord *Lowdown* made the following speech in their name. 'It is sufficiently known to this reverend and honourable assembly, what great straits this church was reduced to by the bishops, by the enjoining of the *Books of Service, Canons, &c.* now justly con-

The lord commissioner issued out an explication of the covenant, which was answered in Feb. Row, p. 339. and L. Dec. p. 327, &c.

Lowdown, in name of the committee for explaining the covenant, reported their diligence. *Journal.*

1638. ' condemned for their popery and superstition,
 ' as the only form of God's publick worship;
 ' and that some of the most sincere ministers,
 ' and faithful servants of God, were charged,
 ' under pain of rebellion, to receive these
 ' books, until, by a bill of suspension, they
 ' obtained some breathing time, during which
 ' many of all ranks found it their duty to con-
 ' cur in a supplication against these evils. It
 ' is also known to you, that, by the malice of
 ' the bishops, and their wrong information of
 ' our prince, an answer was delayed; and
 ' when it was at length made by the procla-
 ' mation at *Sirling*, it amounted to no better
 ' than a discharging us, under pain of treason,
 ' from presuming any more to prosecute our
 ' desires: So that we were driven to such ex-
 ' tremity, that we behoved either to forsake
 ' the way of truth, and the true religion, and
 ' violate our national covenant with God, on
 ' the one hand; or, on the other, fall under the
 ' danger of rebellion and excommunication.
 ' And when we were so shut up, that we knew
 ' not what hand to turn to, it pleased God,
 ' on whom our eyes were set, to lead us by
 ' his Spirit to the renovation of our *Confession*
 ' of *Faith*, which ye know was heartily sworn
 ' thro' the kingdom; and that solemn work
 ' was, in many places, accompanied with re-
 ' markable power and efficacy. And ye know
 ' likewise, that no means have been left unef-
 ' fayed which might enervate this covenant:
 ' For, *first*, an attempt was made to rescind
 ' the same; *next*, it was taxed to be an unlaw-
 ' ful combination, whereof we did sufficiently
 ' clear it; and, *thirdly*, it was urged, that our
 ' expli-

‘ explication of it should be left out, that it 1638.
 ‘ might be more ambiguous, and admit of a
 ‘ contrary interpretation; and therefore the
 ‘ explication of it at this time is most necessary
 ‘ and expedient: And, for accomplishing this,
 ‘ the committee have, *first*, drawn up some
 ‘ reasons, shewing the necessity of an explana-
 ‘ tion; and then, instead of entering on the
 ‘ unnecessary dispute of episcopacy in *abstra-*
 ‘ *cto*, and of those corruptions which were in-
 ‘ troduced after episcopacy was expelled out
 ‘ of this church, we thought it more proper
 ‘ to state the question thus, *viz.* Whether e-
 ‘ piscopacy, and these corruptions, be compa-
 ‘ tible with the doctrine and discipline of this
 ‘ church, as it was professed and established in
 ‘ the years 1580 and 1581? which we think is
 ‘ the level whereto we are sworn to adhere.
 ‘ For this purpose, we have, from *the book of*
 ‘ *Policy*, and *the Records of the Church*, which
 ‘ are now in God’s providence, brought to
 ‘ our hand, excerpted a number of passages,
 ‘ which being examined, will clear all the
 ‘ scruples that any have about *the Confession*
 ‘ *of Faith*: And these being cleared, we hope
 ‘ that we shall all return to our former purity;
 ‘ and, by doing so, we shall give testimony of
 ‘ our obedience to God, loyalty to our king,
 ‘ and happy conjunction amongst ourselves.’

Lowdoun having ended his discourse, Mr. *Johnston* the clerk read the papers his lord-
 ship had mentioned, which, according to Mr. *Baillie*, had been drawn by the clerk, assisted
 by Mr. *David Calderwood*, and some others; and the second of these, containing a number of
 passages out of the assembly-books, betwixt the

Acts and
 papers
 read
 for clear-
 ing the
 question
 about e-
 piscopa-
 cy. *ibid.*

1638. years 1576. and 1596, and out of the *Book of Discipline*, all clearing the meaning of the church of Scotland concerning episcopacy at that time, was ingrossed in the act after mentioned.

These papers being read, the moderator intreated, that if any member desired proof, they would call for the reading of any act that might clear their minds. And, to remove all hesitation, the clerk read the acts themselves, from which the paragraphs were excerpted; and observed, that they were the fruit of much prayer, as appeared by the acts of the assemblies 1577 and 1578, appointing two national fasts for seeking direction in this matter. And no person having objected any thing farther, the moderator desired the clerk to read the act of council the 22d of September, wherein his majesty's commissioner, and lords of privy council, declared, that they subscribed the *Confession of Faith*, as it was professed and established in the years 1580 and 1581: And then he requested the earl of Argyll to inform the assembly, whether he had now obtained satisfaction of his scruples; whereupon his lordship confessed his former ignorance of those things, and that the pains taken by the committee had satisfied him fully.

Argyll satisfied by their pains
Ibid.

Episcopacy found to have been abjured by the covenant, 1580.
Ibid.

And now all difficulties being removed, the moderator did put the question, *Whether, according to the Confession of Faith, as it was professed in the years 1580, 1581, and 1590, (for, says he, I keep the words of the act of council, because it is a cause of the present explanation), there be any other bishop but a pastor over a particular flock, having no pre-eminence nor power over his brethren? Whether, by that Confession, as it was then professed, all other episcopacy is abjured, and ought*

ought to be removed out of this church? And, the 1638.
roll being called, the whole assembly, with the
hesitation of one member only, did vote, *That*
all episcopacy, different from that of a pastor over a
particular flock, was abjured in this kirk, and is to be
removed out of it. And an act containing the sub-
stance of the committee's report, was extended
upon the whole; which being published among
the printed acts of this assembly, there is no
need for repeating it here.

This decree having been so unanimous, it
may seem to some unnecessary, to notice any
particulars as to the person who hesitated; but
it being the duty of every historian to relate
the truth fairly, whoever it reflect upon; we
observe, that the person here spoken of was
Mr. Robert Baillie; and we shall give the rela-
tion of his disagreement in his own words, and
then leave it with the reader, whether the dis-
crepancy was at all material. The question
about the abjuration of all kinds of episco-
pacy, was formed in such terms, as I profess,
says our author, I did not well understand at the
time; and thought these terms so intricate, that
I could hardly give any answer, either *Ite* or
Non. To make any publick dispute I accoun-
ted unsafe, being alone, and fearing above all
evils to be the occasion of any division. The
farthest I aimed at, was to declare my mind
briefly at voting; and so, when all were invi-
ted to propound what doubts they had, I was
as dumb as a fish. But when my vote was
called for, I said, that, according to the express
words of the assemblies 1580 and 1581, episco-
pacy was to be distinguished; I thought, with them,
that episcopacy, as used and taken in the church of
Scotland,

Mr. Baillie hesitated to concur, Collect. p. 635.

1638. *Scotland, ought to be removed; yea, that it was a popish error, against both scripture and antiquity, and consequently was abjured; but episcopacy simpliciter, such as was in the ancient church, and in our church, during the existence of superintendents, was for many reasons to be removed, but not abjured in our Confession of Faith. I added no more. But if I had considered the moderator's stating of the question, as now it stands in print, I would, without any hesitation, have said as my voice, that it did seem to me to be πολυς ζητησις, consisting at least of three very different questions, which required different answers. But now I will not enter into dispute. I have delivered my mind freely in my treatise, which ye saw, and to that I stand. In voting, many, to the number of fifty and above, as some who curiously remarked did avow, gave their voice for removing episcopacy, but said nothing of abjuring it; and several prime men who were there, do avow that they never thought all episcopacy abjured in our church. Notwithstanding, all were taken for abjurers by the clerk: and very justly; for answering affirmative to one part of the question, and negative to none, they ought to be taken as affirming the whole. Yea, when the question of abjuring came over again, as it did twice thereafter, not another would be plain; but all were content to be accounted abjurers, except poor I.*

This diet concluded with thanksgiving for their unity, Journal.

This diet was concluded with hearty thanksgiving for so great harmony, where no small disagreement was feared.' 'It resteth now, said the moderator, that we be thankful to our LORD for the same; and I trust there are none

* none of us who are come here with an honest mind, but would have bought this day, and the harmony we have seen, at a dear rate. God hath wrought this for us, far beyond our merit or expectation: And yet none need say that the votes of elders carried it; but blessed be God, that ministers, as well as elders, have concurred with great unanimity; which is a matter of admiration; and a benefit for which we know not what we shall render to our gracious LORD; therefore we will not enter upon any other purpose at present, but join all together in giving hearty thanks to our LORD for this great harmony.

SESSION XVII.

In prosecution of what was done at the former session, the condemnation of the *five articles* concluded in the assembly at Perth was set on foot. Some were of opinion, that the said assembly having been already condemned, there needed no condemnation of the acts of it; and others, that episcopacy being removed and abjured, *these articles*, as appertaining thereto, fell with it. But others were of opinion, that these articles having been the occasion of trouble to multitudes, too much could not be said against the same. And so a large paper, whereof the substance is contained in the act after mentioned, was read against it. The moderator, with Mr. David Dickson and Mr. Andrew Ramsay, had speeches to the same purpose. And then the question being stated, *Whether the five articles of Perth ought by the Confession of Faith, as it was meant and professed in the years 1580, 1581, 1590, and 1591, to be removed*

Perth articles inquired into, *Journal and Bailie.*

1638. removed out of this kirk? the member first called; did by his vote declare them both *abjured* and *removed*; and all the rest followed him, except Mr. *Baillie*, who voted them *removed, but not abjured*. Whereupon an act was extended, which is to be found amongst the printed acts of this assembly.

A motion made for providing sufferers, as Mr. *Calderwood, &c.* Ibid.

After this matter was concluded, the moderator moved, that as many of the honest and faithful servants of JESUS CHRIST had, for not complying with the foresaid innovations, been put from their ministry, and were reduced to very hard shifts; and as several of them were not yet admitted, that special notice might be taken of them; for, *added he*, in all *balcyon* times, notice hath still been taken of those who suffered for righteousness sake.

A committee named to prepare acts for good order, *Baillie*.

That day the laird of *Oldbar* made a worthy motion, that, as we had removed many abuses and corruptions, it were also necessary to make positive conclusions for good order and discipline in time coming. And accordingly Mess. *John Adamson, John Row, James Sibbald, and John Moncrieff*, ministers, with the learned gentleman who made the motion, the lord *Balmorino, Keir*, provost *Cochran*, and *Gilbert Gourlay*, elders, were named as a committee for that effect. But after they had received several overtures to that purpose, and amongst others one from Mr. *Baillie*, our author; they fell upon a better course; and that was the search of our old registers, to see what acts of that kind had been made already, where they did find so many as superseded the necessity of making more. But, as that was a work of time, the

the further relation of it shall be deferred till 1638. we overtake the report of that committee.

The processes against other four of the bishops being now prepared by the committee who had been named for that effect, were this day reported in the assembly, and brought to a conclusion.

The processes against four of the bishops concluded.

Against Mr. David Lindsay, pretended bishop of *Edinburgh*, it was found proven, that, beside the breach of the caveats, and subscription of the declinature, he had been an urger of all the late innovations, especially of the liturgy; that he refused to admit any to the ministry who would not first take the order of a preaching deacon; that he was a bower to the altar, a wearer of the rotchet, a consecrator of churches after the popish manner, a domineerer over presbyteries, a licenser of marriages, without proclamation of banns to the prejudice of severals, a countenancer of the preaching of corrupt doctrine in *Edinburgh*, an elevator of the elements at consecration, and a defender of ubiquity: For all which the assembly did depose and excommunicate him.

Crimes for which *Edinburgh* was excommunicated, *Baillie*, p. 639. and *Journal*.

Mr. *Baillie* adds, that a little before the bishops downfall, he was witness to bishop *Lindsay's* ordination of a presbyter in the chapel-royal, where he, and the ministers about him, did perform that service in as graceless a manner as if it had been a comedy; that he was bitter against presbyterians, made no bonds against swearing and cursing, and avowed his neglect of lecturing, in which he was mean beyond all expectation: And as a reason for his being with the bishop on that occasion, he observes, that his

A farther remark on this man, *Collect*, p. 640.

1638. his estimation of him before this was great, but afterwards stark nought.

Crimes
for
which
Aberdeen
was ex-
commu-
nicated,
Ibid. and
Journal.

The next who came to be sentenced, was Mr. *Adam Ballantyne*, bishop of *Aberdeen*. Against him were proven frequent acts of simony, great forwardness in pressing the canons and liturgy, suspending ministers for fasting on *Sabbath*, and enacting publick fasts to be kept on *Wednesday* only; as also, that he had consecrated the chapel of the lady *Wardhouse*, an infamous woman, after the popish manner, and stopped processes against papists and incestuous persons, and his singularly malicious apostasy; for he was a subscriber of the protestation against the bishops, *anno* 1606. and an urger of excommunication against bishop *Grahame*, whom he subverted, and got his bishoprick: For these, and his breach of the caveats, he was deposed and excommunicated.

Crimes
for
which
Ross was
excom-
muni-
cated,
Ibid.

The process against Mr. *John Maxwell*, pretended bishop of *Ross*, was next concluded. The long legend of his erroneous tenets was quite omitted: It had been committed to the laird of *Durie*, to find out proper witnesses for proving these; but tho' it was well known to every one, that this bishop gloried in such errors, the proof came not in time. However, it was proved against him, that, beside the breach of the caveats, he was a publick reader of the liturgy in his house and cathedral; that he was a bower at the altar, a wearer of the cap and rotchet, a deposer of godly ministers, an admitter of fornicators to the communion, a companion to papists, an usual player at cards on *Sabbath*, and once, on a communion-day, that he had often given absolution to persons in

in distress, consecrated deacons, robbed his vassals of above 40,000 merks, kept fasts each Friday, journeyed ordinarily on Sabbath; and that he had been a chief decliner of the assembly, and a prime instrument of all the troubles which befel both church and state: and therefore the whole assembly did, without the smallest hesitation in any, depose and excommunicate him.

In the next place, the process against Mr. James Wedderburn, pretended bishop of *Dumblane*, was read; and tho' he had not subscribed the declinature, nor was personally summoned, having before that fled to *England*, he was both deposed and excommunicated, without a contrary voice, except the laird of *Keir's*: For it was found clearly proved, that he had been a chief instrument of all the mischief that had fallen out, especially of the spreading of *Arminianism*, and other perverse errors, thro' the kingdom, by his discourses and lectures to the students at *St. Andrews*; and that he had been one of the chief compilers, practisers, and urgers of the service-book, and other innovations; and, being set in the chapel-royal, did bear hand to the archbishop of *Canterbury* in all his innovations.

Mr. James Forsyth, minister at *Kilpatrick*, did bear up the bishop's train that day. Against him it was found proved, that, upon a communion Sabbath, betwixt the sermon and serving of the first table, he brought a messenger at arms to the end of the communion-table, and caused him read letters of horning in the presence of the communicants, charging them for his reinds, &c.; that he taught the lawfulness of bowing

and crimes for which *Dumblane* was excommunicated, *Baillie*, p. 649. and *Journal*.

Mr. James Forsyth deposed for several crimes, *Journal*, & *Baillie*, p. 641.

1638. at the name of JESUS, and that who kneeled not at receiving the elements, received no good by the communion; that he accused the covenant, as seditious, treasonable, and jesuitical; that he gave money for being admitted to his place; and that he was a decliner of his presbytery, and of the assembly. For these things he had been suspended by his presbytery, and now was deposed by the assembly. Mr. Baillie adds, that, to his knowledge, he was a passionate defender of all that was in the liturgy, canons, &c. and a palliater of whatever the *Canterburian* faction had printed of *Arminianism*; that his great companions, Mr. John Rae and Mr. Patrick Maxwell, were the same way inclined; and that Mr. John Corbet, whom he accounted one of the most modest of that fraternity, had gone to *Ireland*, and printed a most poor but bitter pamphlet against the covenanters, as any of their most furious and enraged enemies could wish.

A farther remark on this man, &c. Col. p. 642.
Caithness sent a submission to the assembly, Journal.

The work of this sederunt was finished with reading a letter from the bishop of *Caithness*; wherein he declared, that he had willingly subscribed the covenant; and that he acknowledged the lawfulness of the assembly; but that by sickness he was hindered from attending them.

SESSION XVIII.

The bishop of Orkney deposed for several crimes, Journal. Baillie, p. 643.

At this diet the assembly went on with the rest of the processes against the bishops; and that of Mr. John Graham, pretended bishop of *Orkney*, came first to hand. It was found proven, that he was a transgressor of all the caveats, and guilty of tyrannical usurpation over the ministers in his diocese; that he was an open

open profaner of the *Sabbath*, by curling on the ice that day, &c.; that he dilapidated part of the church-revenues to his friends, and with-held from the ministers a part of their stipend for building his cathedral; that he overlooked adulterers and charmers, and neglected preaching: yet, in respect he professed a dislike of the late innovations, and submitted himself to the assembly, he was only deposed, and ordained to give evidence of his repentance against a certain day, under the pain of excommunication.

Next, the process against Mr. *John Guthrie*, The bishop of Murray deposed for several crimes, Journal. Baillic, P. 644. pretended bishop of *Murray*, was read; and it was found, that he had transgressed all the caveats, and that he had the boldness to be the first who avowed conformity to the *English* popish ceremonies; that he was so mad upon dancing, that, at his daughter's marriage, he danced in his shirt; that he conveyed some women barefoot to a chapel to make penance; and that he was a common profaner of the *Sabbath* by riding, and had the impiety, when one recommended to him to stay within doors on that day, to say, *that he would borrow a piece of the day from God, and make it up some other way.* For these things many accounted him worthy of excommunication; but the moderator alleged, that the assembly could not proceed against him, in respect he was not personally summoned. To this the clerk answered, That he was summoned at the church of *Edinburgh* and the pier of *Leith*, the usual places of citation for delinquents out of the kingdom: That, by the second caveat, he was obliged to have appeared, to have made account of his doings; and

1638. and the protestations, that the bishops might compear, and answer for their proceedings, was equal to a summons. And therefore the assembly over-ruled the objection. About a dozen voted for his deposition and excommunication; but the majority carried it for deposition only.

The
archbi-
shop of
Glasgow
excom-
munica-
ted for
certain
crimes,
Ibid.

Mr. *Patrick Lindsay*, archbishop of *Glasgow*, was next called on, and his process read; from which it appeared, that, beside the breach of all the caveats, and declining this assembly, he was chargeable with urging the practice of the book of canons and liturgy under the pain of horning; that he exacted from all his clergy a pound *Scots* for each chalder of victual, towards defraying his charges at court; that he denied to the ministers of *Glasgow* the privilege of feu-holding, and kept them out of their stipends; that he sold commissariots; that he was a grievous oppressor of his vassals; and that he discharged all expectants or probationers, to preach till they had subscribed idle oaths of his own invention. For all which he was deposed, and ordained to be excommunicated, except he prevented the sentence by satisfaction against a certain short day. The *Journal* adds, that a new committee were appointed to intimate this unto him; but that, tho' the archbishop was so affected that he fainted in their company, and besought them for God's sake to use lenity towards him, he could not be brought to any due conviction of his guilt: so that the larger censure behoved to be passed on him as one of the chief offenders.

The

The assembly fell next on the process against 1638.
 Mr. *James Fairlie*, bishop of *Argyll*, called in the printed acts bishop of *Lismoir*; who seemed as worthy of censure as any. In his short time, he had shewed good-will to go the worst ways of the *Canterburian* faction; far contrary to the good opinion most men had of his orthodoxy; he was an urger of the wicked oaths on intrants, and of the liturgy, an oppressor of his vassals, a preacher of *Arminianism*, and a profaner of the *Sabbath*. When it came to the voting, Mr. *Alexander Carse*, first called on, answered wittily according to his custom: 'It is said of one of the *Roman* consuls, that he was so vigilant, that he slept none all his time; for he entered on his office in the morning, and was put from it ere night: so was it with this prelate; for he was not well warmed in his cathedral chair, till both chair and cushion were taken from him: therefore depose him only; and if he submit not, let him be excommunicated.' And after him all the assembly voted the same way. Mr. *Baillie* adds, 'If a bishoprick be so unhappy an inchantment, let it never come in my good friend's hand again.'

The bishop of
Argyll
 deposed
 for several
 crimes,
Ibid.

Against Mr. *Neil Campbell*, pretended bishop of *the Isles*, nothing was libelled but the breach of the caveats; which having been proved against him, he was deposed, and a certification was given out, that if he and the bishop of *Argyll* did not, against a certain day, give tokens of repentance, they were to be excommunicated.

The bishop of
the Isles
 deposed,
Ibid.

The same day several scandalous ministers were sent in convoy with the bishops, Mr. *John Maemath*

A sentence against

1638. *Macmath*, minister at *Churnside*, having been found guilty, by his presbytery, of teaching all the *Arminian* errors, prayer for the dead, invocation of saints, CHRIST's local descent into hell, the damnation of children without baptism, regeneration *ex opere operato* by baptism, declaring he would say mass if the king commanded it, and for deserting his flock, and declining his presbytery, was deposed by the presbytery, and their sentence was approved and ratified by the assembly.

Mr. *Harvey* deposed, Ibid.

Mr. *Francis Harvey*, for erecting an altar with rails, profaning of the *Sabbath* by drinking and playing at cards, and marrying without proclamation the archbishop of *Glasgow's* son with lord *Blantyre's* daughter, was referred to the committee of *Edinburgh*; who deposed him.

and Mr. *Forrester*, a monster of a man, deposed, Collect. p. 645.

A process of adultery against Mr. *Chrystal Knolls*, was referred to the presbytery. ' But of all our monstrous fellows (saith Mr. *Bailie*) Mr. *Thomas Forrester* at *Melrose* was the chief, being composed of contraries, superstition and profanity: More particularly, his crimes were, avowing that read-service was better than preaching; that preaching was no essential part of GOD's worship; that all prayers should be read. He made an altar and rails himself, and stood within, and reached the elements to those who were without. He avowed CHRIST's presence there; but whether sacramentally, or by way of consubstantiation, or transubstantiation, he knew not; but thought it a curiosity to dispute the same. He maintained CHRIST's universal redemption; that all in the service-book was good; that to observe the *Sabbath*,

was

‘ was judaising ; that it was lawful to work on 1638.
 ‘ that day ; and that he caused lead in his
 ‘ corns on it. He used to sit at preaching and
 ‘ prayer, and to baptize in his own house ; he
 ‘ made a way through the church itself for his
 ‘ cows and sheep, and made a waggon of the
 ‘ communion-table to lead his peats in ; he
 ‘ kept no thanksgiving after the communion ;
 ‘ he asserted, that our *Confession of Faith* was
 ‘ faithless, and abjured many things better
 ‘ than those we did swear to ; and affirmed,
 ‘ that our reformers brought more damage to
 ‘ the church in one age, than the pope and
 ‘ his faction had done in a thousand years.
 ‘ For these things this monster was justly
 ‘ deposed.’ And to be sure little enough for
 him.

The same author, speaking of the misery they were in before the remarkable era in July 1637, adds, ‘ We were brought to this point, that a man might have done what he would without possibility of restraint, if he had been fully episcopal : but blessed be the LORD, who has looked upon our oppression, and made the wickedness of the bishops a remedy for itself, and a potion to bring about a purgation of our whole church.’

A pious
 reflexion
 on these
 things.
 Ibid. p.
 446.

SESSION XIX.

At this sederunt the assembly concluded their tedious processes against the bishops. The two now remaining undiscussed, were Mr. Alexander Lindsay, pretended bishop of Dunkeld, and Mr. John Abernethy, pretended bishop of Caithness. Both had submitted themselves to the assembly, and requested to be continued in

The bi-
 shops of
 Dunkeld
 and
 Caithness
 deposed
 from
 their e-
 piscopal
 office,
Journal
 the
 Baillie,
 p. 647.

1638. the ministry. And this their submission did procure them favour: For, beside the common faults, as foul pranks of simony and avarice were alledged against them, as any of the other bishops. And so the assembly rested with deposing them, not from the office of the ministry, but of their episcopal function, and power of representing the church in parliament; and suspended the exercise of their pastoral office only, till they gave tokens of sincere repentance; after which Mr. *Lindsay* was continued in the ministry of *St. Madoze*; and Mr. *Abernetby* declared capable of admission to a particular flock; but in case they did not reverence the said act, they were to be excommunicated.

The moderator ordered to pronounce the bishops censures, *Baillie*, p. 648.

Before concluding, the assembly agreed, that the sentences of deposition and excommunication should next day be pronounced by the moderator, in presence of the assembly, after a sermon to be preached by him suitable to the occasion. This part he was very averse to; but all laid it on him, and would take no refusal.

SESSION XX.

The moderator pronounced judgment upon the bishops, *Journal*.

After a learned and pious sermon preached by the moderator, to a very great auditory, from *Psal. cx. 1. The LORD said to my LORD, Sit thou at my right hand, until I make thine enemies thy footstool*, he did in very dreadful and grave manner pronounce the sentences of deposition and excommunication against the bishops, according as they are published amongst the printed acts of this assembly.

My

‘ My heart, *says Mr. Baillie*, was filled with 1638.
 ‘ admiration of the power and justice of God,
 ‘ who can bring down the highest, and sud- An ob-
 ‘ denly pour shame on them who sin against servation
 ‘ him proudly, and with an uplifted hand: on it,
 ‘ And at the same time I heartily pitied those Baillie,
 ‘ who were excommunicated; remembering p. 648.
 ‘ the great gifts of some of them, and emi-
 ‘ nent places of all, from whence their ambi-
 ‘ tion and avarice had thrown them down to
 ‘ the dunghil of contempt. We have many
 ‘ arguments daily to work out our salvation
 ‘ with fear and trembling; to walk lowly, and
 ‘ to desire to pass our lives in obscurity, that
 ‘ so we may eschew many snares of the devil,
 ‘ and occasions of a shameful ruin.’

And yet, to shew that the assembly were not Order of
 without hopes of the bishops recovery, at least the bi-
 were desirous of it, they laid down the order shops
 to be observed by them in giving publick sa- penance
 tisfaction, if so be it should please God to prescri-
 incline their hearts to give it: But we find bed,
 not, that either of them did ever profess their Journal.
 repentance in the manner prescribed.

The rest of this diet was exhausted in con- Mr. An-
 cluding processes against some of the bishops nan de-
 accomplices. Mr. *William Annan* at *Ayr* was posed,
 deposed that day. He had exceeding great gifts, Baillie,
 says Mr. *Baillie*; but profaneness, and opposition p. 649.
 to all things which he accounted puritanism,
 rendered those gifts useless to his people. His
 crimes were, that in a common head, *de invo-*
catione sanctorum, he had maintained the law-
 fulness of observing days to their memory;
 that he had in a sermon preached before the
 synod of *Glasgow*, defended the liturgy, and
 M m m m poured

1638. poured out many invectives against extempore prayers; that he was frequently drunk, and was an ordinary swearer; that he had deserted his flock above eight months, and had refused from the covenant which he swore with others.

Mr. Mackenzie deposed, *Journal.*

Mr. Thomas Mackenzie archdean of Ross was also deposed for many foul crimes; as, fornication, drunkenness, marrying of adulterers, &c.

Dr. Scrimzeour referred to his presbytery, *Baillie.*

The like censure was strongly urged against Dr. Scrimzeour at *St. Andrews*. He had been suspended by his presbytery for reading of the service-book, urging of conformity, and for fornication, drunkenness, and playing at cards on Sabbath: For which reasons he was referred to the assembly for a higher censure. But, in respect he gave in a humble confession and supplication to the assembly, they thought fit to refer that whole affair back to the presbytery.

Mr. Rollock retracts his declination, *Journal.*

The only other thing meriting a place here, was a supplication of Mr. Andrew Rollock minister at *Dunfermline*. He had been a subscriber of the bishops declination; but now he pled, that as he had been brought up in *England*, and was ignorant of the constitutions in *Scotland*, which made him the more easily comply with the subscribers of the declination, he might be allowed to delete his name. This the assembly granted, on condition he would make a publick declaration of his recantation in his parish-church, (which he willingly condescended to), and that their lenity to him should not be a precedent for shewing the like favour to temporizers among ourselves.

SESSION XXI.

1638.

The assembly having done so much for removing the rubbish of former defection, and ease particularly to church-judicatures of the burdens lying upon them, thought proper, as a mean to revive religion and secure it against episcopal usurpation, by an express act to restore kirk-sessions, presbyteries, and provincial and national assemblies, to their full integrity, in their members, privileges, liberties, powers, and jurisdictions, as they were constituted by *the Book of Policy*.

The rest of this diet was mostly spent on things more private. A new commissioner from *Caithness* was received; and upon his request, that want of expences for so long a journey had hitherto impeded his upcoming, care was taken to supply the like defect in time coming.

According as *Montrose* had foretold, the earl of *Wigton* compeared in the assembly, and declared his meaning in subscribing the covenant along with the council, to have excluded the innovations imposed under episcopacy, and promised a constant adherence to the doctrine and discipline presently professed; and for that purpose, the assembly wished his lordship the aid of God's grace.

Mr. *Andrew Shepherd*, a minister about *Dundee*, came also in that Day; confessed, that he subscribed the bishops declinature thro' ignorance; and intreated, that he might have liberty to cancel his name; which was granted, upon his assurance that he was ready to make publick confession of his repentance.

The right of ecclesiastick judicatures asserted, *Journal*.

Relief provided for distant members. *Baillie*.

L. *Wigton* accedes to the assembly, *Journal*.

Mr. *Shepherd* retracts his declinature, *Baillie*.

1638.

Mr. A.
Alexander
Hender-
son trans-
ported to
Edin-
burgh,
Ibid, and
Journal.

At this diet likeways a supplication from *St. Andrews*, for liberty to transport Mr. *Alexander Henderson* from *Leuchars*, was opposed by the commissioners from *Edinburgh*; who told he was their elected minister, and pled their privilege of transporting from any part of the kingdom. The moderator himself was unwilling to remove from *Leuchars*, where he had been minister above eighteen years; and pled, that he was too old a plant to take root in another soil, and that he might be more useful there than in a more publick station. Yet, after much contest betwixt the two cities for some days, *Edinburgh* carried it by seventy-five votes, much against Mr. *Henderson's* inclination. Yet he submitted, upon promise, that when the infirmities of old age should overtake him, he might be transported to a country-charge.

Mr. R.
Hamilton
deposed;
Ibid.

That day also, a process against Mr. *Robert Hamilton* at *Lesmahago*, before the presbytery of *Lanerk*, was read; and it was found, that, beside declining the assembly, he had taught universal redemption and other *Arminian* errors; that he profaned the *Sabbath*, was a common brawler, and prosecuted his parishioners for conformity, banishing some, taking bonds from others, and exacting the penalties in cases where the bond was transgressed. For these he was deposed; but he contemned the sentence for some time, till, finding he was like to have little peace at home, he fled to *England* with the rest of that faction.

Lanerk
presby-
tery re-
lieved
of their
troubles,
Baillie.

P. 952.

And as the greater part of *Lanerk* presbytery had distinguished themselves in vexing those who could not conform to the corruptions of

of the time, they were in God's righteous judgment as eminently punished: For, beside *Mr. Hamilton* just now mentioned, *Mr. John Lindsay* at *Carstairs* was for the like reasons deposed in the next provincial synod; *Mr. John Lindsay* at *Carluke*, being drowned in debt, fled to *Ireland*, so that his flock being deserted, his place was declared vacant; and *Mr. Robert Nairn* minister at *Carmichael*, was smitten with an incurable phrensy, for which the parish insisted that his place should be declared vacant, and his case was referred to the presbytery.

SESSION XXII.

The reference of *Dr. Panther's* process to the committee named for *St. Andrews*, began the procedure of this day.

Next, in regard provincial assemblies were not yet ordered according to the old plan, and that there was little probability of their meeting in every province, where there were delinquencies, before the time to which the parliament was called; it was thought fit, that in the mean time commissions should be named for discussing all affairs not overtaken or concluded by the assembly: And for that purpose, were named, a committee to sit at *Edinburgh* the 26th of *December*; another to sit at *Fedburgh* the 2d of *January*; another to sit at *Irvine*, *January* 15. another to sit at *Kircudbright*, *February* 6. another at *Dundee*, *February* 5. another at *Chanonry of Ross*, and another at *Forres*, both on the 19th of *March*. In like manner, upon a representation from *Mr. John Lundie*, that the bishop of *Aberdeen*, had, for consuming the rents of the

Committees named to try delinquents thro' the kingdom, Journal, and Baillie.

1638. the *New College* there, imposed chanonries, prebendaries, and professions of the *Canon Law* on them; there was a visitation appointed for that university likewise.

An old
plan of
the syn-
ods ap-
proved,
Journal.

Then there was a committee named to inspect the registers of the church, to find in what places the provincial assemblies were holden; which they did; and the roll they made up was next day reported to the assembly, approved by them, and ingrossed amongst their printed acts.

Kinghorn
allowed
an help-
er, *Ibid.*

Other affairs handled at this sederunt, were more private; as the hearing of a petition from the borough of *Kinghorn*, that in respect Mr. *John Skinner* their faithful pastor had been removed by episcopal tyranny, and an old infirm man substituted in his place, they might obtain an helper; which was allowed. And,

A con-
tribution
allowed
to *Cars-*
phern,
Ibid.

A petition in name of the church of *Carsphern*, a kirk erected by the liberality of some gentlemen, in respect of their great distance from any place of worship, but without a competent stipend, craving the assembly's aid, was remitted to a committee; and on their report a recommendation was made in their favours, for a contribution thro' all the congregations on the south of *Tay*.

SESSION XXIII.

Many things passed thro' hands this day; and indeed, considering the many committees who generally had matters well prepared for the assembly, few days passed without discussing several affairs.

Acts of
assembly
appro-
ved,
Journal.

At this sederunt there was an index of the whole acts that had been formed in the assembly, read by the clerk, and the assent of the assembly granted to them.

And

And then the committee who were appointed to bring in an overture what new acts ought to be made, or what old acts revived, brought in their overture, containing a list of twenty-four acts, which were in this and the following session read and allowed by the assembly, except a few, which were referred to the presbyteries. These are all to be found amongst the printed acts of this assembly. Such of them as were then revived, were, The 1st. ratifying the presbyteries erected since the 1586, and erecting some more in *Argyleshire*. The 2d. That presbyteries be holden weekly, that they have an exercise and addition, and that some controverted point of doctrine be publickly disputed amongst the brethren. The 3d. That the presbyteries visit all the kirks within their bounds once a-year, and among other things, try how family-worship is discharged, and take care that the youth be instructed. The 4th. That kirks, schools and colleges be visited, and that masters &c. be tried concerning the soundness of their judgment in matters of religion, their ability for discharge of their calling, and the honesty of their conversation. The 5th. That no minister be absent from his parish above forty days, without liberty. The 6th. That schools be planted in landward places; and that the teacher shall, among other things, catechise the common people. The 7th. That presbyteries had the power of admission of ministers, and chusing their moderators, and ratifying what had of late been done by them of that kind. The 9th. That the conversation of ministers be found, before their entry, agreeable to act of the assembly, *March 26. 1596*, concerning the enormities and corruptions

1638. ructions in the ministry, and remeid thereof; and ratifying the said act, and ordaining it to be put in execntion. The 12th. That the Lord's supper be more frequently administered. The 13th. That ministers be twenty-five years of age before their admission, except the case be extraordinary. The 14th. Against markets on *Monday* and *Saturday*. The 15th. Against profanation of the *Sabbath*. The 16th. That those be excommunicated, who, after due admonition, will not refrain from the company of excommunicated persons. The 17th. That no person speak or write against the covenant, or this assembly, or any act of it, under the pain of incurring the censures of the church; which many think was overstretching church-power. The 19th. That all titles of dignity, as abbots, deans, &c. be banished. The 20th. That in the presenting of pastors, readers, and school masters, to particular congregations, respect be had to the congregation; that no person be intruded into any office of the kirk, contrary to the will of the congregation to which they are appointed. The 21st. Against marriage without regular proclamation of banns, in regard, the same had of late years produced many dangerous effects. The 22d. Against funeral sermons, as favouring of superstition. The 23d. Concerning the trial of expectants for the ministry. And, the 24th. Containing a plat-form of the provincial assemblies, and that the synods lying nearest to others correspond together.

A petiti-
on for
Mr.
Dickson
to Glas-
gow,
Baillie.

Then there was a petition given in by old Mr. *John Bell* at *Glasgow*, for the transportation of Mr. *David Dickson* from *Irvine*. But he, with the lord *Eglinton* and Mr. *Baillie*, made so great opposition, that the motion was got crushed

crushed for that time; yet next year, his transportation to *Glasgow* was found necessary. 1638.

This affair being ended, the moderator said, Seeing we are urged with transportations, let us think of providing those, who either were put out for not conforming to *Perth articles*, or who were refused licence, because they would not fall in with the course of conformity, and were therefore obliged to betake themselves to another way of life, waiting for better days. Whereupon a list was given in of the following persons, as ready to supply vacancies, viz. Mess. *David Calderwood, Thomas Hogg, Andrew Stevenson, Thomas Lamb, Eleazer Borthwick, James Gubrie, Andrew Martin, Thomas Garven, Thomas Gilbert, John M'gill, Robert Traill, George Dick, Hugh Archibald, and John Weir*; whom the assembly recommended as meriting to be regarded, in the first place: And in the next session, a list of fifty-six expectants more was given in; and the persons named in it, being also well recommended, were distributed amongst the presbyteries.

A list of the non-conform ministers and preachers given in, *Journal and Bil- lie.*

SESSION XXIV.

A part of the time of this sederunt having been spent on the overtures, which are noticed in the narrative of the last, there was only time for the particulars following.

Upon a motion from Dr. *Guild*, who had done much for suppressing the profanation of the *Sabbath* by fishing in *Aberdeen*, the assembly recommended to the several presbyteries, to see to the execution of some old acts of assembly against the breach of that day, by the going of mills, salt-pans, salmon-fishing, or the like, and

A remedy against the profanation of the *Sabbath*. *Journal.*

N n n n

revived

1638. revived an act of assembly holden at *Holyrood-house* in the year 1602.

Recu-
sants to
be ex-
commu-
nicated,
Ibid


In this session also there was an act made, ordaining presbyteries to excommunicate those ministers, who being deposed by this assembly, acquiesce not in their censure.

Another
register
of the
church
recover-
ed, Ibid.

It may also deserve notice, that Mr. *William Scot* minister at *Cupar*, having a large authentick register of the church, the assembly judged it their property, and ordained their clerk to write for the same in their name; which he did, and obtained an answer to his mind. And,

Apocla-
mation
against
the as-
sembly,
and a
protesta-
tion a-
gainst
the same,
L. Decl
P. 388.

The same day, being the 18th of *December*, there was read over the cross of *Edinburgh*, a proclamation, dated the 8th of that month, extolling his majesty's condescension; vindicating the conduct of his commissioner, particularly in this assembly; and loading the covenanters with a number of disorderly, disloyal, and unjustifiable actions. But the assembly having had due information of that design, had a protestation in readiness; and as soon as the proclamation was read, the commissioners from the assembly, and from the nobility, barons, gentlemen, ministers, burgesses, and commons, subscribers of the covenant, read their protestation, and took instruments upon it. Both these papers were printed by themselves; and the curious may find a copy of them in the *Large Declaration*. In respect whereof, and that they agree in substance with the proclamation and protestation which were made at *Glasgow* the 29th of *November*, we shall only trouble the reader with resuming two or three particulars, which were not in the former, and seem now to have been purposely added by the court, as a pre-

a pretext for declaring our countrymen re- 1638.
bels, which fell out shortly thereafter; such as, 

1. It was alledged in the proclamation, that the covenanters guarded the castle of *Edinburgh*, suffering nothing to be imported thither but at their discretion; and stopping the importation of ammunition to any of the king's houses within the kingdom; denying that liberty to their sovereign, which the meanest of them assumed to themselves.

The
guarding
of the
castle of
Edinburgh
com-
plained
of

In answer thereto, the protesters confidently affirmed, that they were unjustly challenged of all the said points, except that, for preventing dangers, evidently threatened to them by the importation of ammunition for furnishing the castle of *Edinburgh*, they had circumspectly watched that castle; which they justified from the common maxim, *That the safety of the publick is the supreme law and end of all lawful power*; and supported acting up to that principle in the present case, by *act 3. parl. 2. James II. act 25. parl. 6. James II. act 41. parl. 14. James II. act 10. parl. 15. James VI. act 125. parl. 7. James VI. act 9. parl. 9. James VI. and act 121. parl. 12. James VI.* The import of all which acts, in so far as made use of for the present purpose, seems to be this, That the forts of the nation are to be kept for the welfare of the realm, as well as for the king's behoof: That they are the keys of the nation, and therefore ought to be used for keeping together, and not for dispersing and destroying the lieges; and that where there is a presumption of spoiling the country by garrisons, the lieutenant ought to raise the country, pass to such garrisons, and take surety of those

and ex-
cused.

1638. those who are in them, that the country and all the king's lieges be kept harmless. From all which, and the following clause in the commission given to the house of Mar, for keeping the castle of *Edinburgh*, viz. *hac lege expressa & conditione, ut nulli nisi conventui ordinum reposcenti traderent*, they inferred, that seeing there were not only violent presumptions, but great threatenings by the adversaries of the truth against the country, especially of the town of *Edinburgh*, they, being the collective body of the realm, might, in default of the king's prime officers of state, provide for their own safety, and keep themselves unharmed by that castle, or any inhabitant thereof.

Going
with
arms ex-
cused.

2. The proclamation did likewise charge the assembly's innocence in repairing to *Glasgow*, furnished with forbidden arms, in contempt of a preceeding proclamation.

To this the protesters answered, That they went to *Glasgow* in the most peaceable and quiet way that might serve for their security against the outlawed *Glangregors*, and their followers; who, before the meeting of the assembly, had committed many insolencies and outrages both privately, and by exacting money at publick markets near *Glasgow*, as they had been advertised by their friends in those places: That their sole motive for carrying some offensive weapons with them, was, to defend themselves against the affronts or threatenings of those rebels; and in this they were justified by the example of those who attended the lord commissioner to *Glasgow*, who were provided with the like weapons.

3. In

3. In the said proclamation the strain of 1638. the protestation is taxed, because the protesters presumed to cite those of his majesty's privy council who procured, subscribed, or ratified this proclamation, to answer to his majesty and three estates of parliament. But the protesters alledged, ' That the same ' could not be justly quarrelled, because it is ' grounded upon the law of the kingdom, and ' warranted by *act 12. parl. 2. James IV.*; ' which act is founded upon good reason; ' for it were strange to think, that counsellors ' giving bad counsel, to the evident prejudice ' and ruin of the country, should not be accountable therefor: And it is not without a ' precedent, that perverse counsel hath been ' given in misguiding the kings and common ' good of this realm, as is evident from *act 6. parl. 1. James IV.*; which is also acknowledged by the reduction of grants made by ' kings to these perverse counsellors, *act 3. parl. 4. and act 5. parl. 1. James IV.* The ' perverseness of which misguiding counsel, ' hath been assuredly the cause why in the ' next parliament the king's council was chosen in parliament, and sworn in presence of ' the king and three estates, and ordained to ' be responsible and accusable to the king and ' three estates for their counsel: Which clear- ' eth, that both evil counsel may be given, and ' that the council may be accused before the ' king and parliament for malversation in their ' charge. Likeas, his majesty in the proclamation makes all persons liable to the parliament ' and general assembly, and so giveth way to ' this previous citation, which may serve for a ' fore-

The citation of counsellors excused.

1638. forewarning and intimation, that they may be accused if they be guilty, as we know all are not, and wish that none were.

All which heavy objections and imputations are premised in the proclamation to the conclusion and command thereof; which resolveth into a discharging obedience to the acts of assembly; liberating all who shall disobey, from censure; promising protection to the disobeyers; inhibiting all presbyteries, sessions of kirks, and ministers in their sermons, sessions, and meetings, or any other-ways, to authorise, approve, or allow this assembly, or do any deed which may countenance the same, under pain of being punished with all rigour; and commanding all who shall hear them to delate the same, under pain of the like punishments; likeways straitly charging all judges, clerks, and writers, from passing any bill, summons, or letters, upon any act or deed proceeding from the said assembly; and all keepers of the signet from signeting thereof, under all highest pain. — All which is, we find, so far repugnant to the word of God, practice of the primitive kirk, laws civil and canonical, the custom of all nations, the constitutions of our general assemblies, acts of parliament, practice of other judicatories within this kingdom, and the *Confession of Faith*, and discipline of this kirk, as we cannot believe any such commandment hath proceeded from our gracious king, but from the malice and misinformation of our adversaries, the consciousness of whose guilt affrighteth them to undergo their deserved censure,

The intrinsic power of the church justified against *Eraſti-*an encroachments.

' censure. 1. We say, that the same is contrary
 ' to the law of God, from *Matth. xviii.* wherein
 ' the church is commanded absolutely to inflict
 ' censures; and *1 Cor. v.* wherein the church
 ' did execute that commandment. And the
 ' churches of *Pergamos* and *Thyatira* are repro-
 ' ved for not executing ecclesiastical censures
 ' gainst those who held the doctrine of *Balaam*,
 ' or of *Jezabel*, *Rev. ii.* So that the power of
 ' the keys in ecclesiastical censures is so intrin-
 ' sically and essentially competent to the
 ' church and general assembly *jure divino*, as
 ' obedience to her decrees and execution
 ' thereof, cannot be suspended, far less taken
 ' away and discharged, by human authority,
 ' more than the power of preaching and ad-
 ' ministration of the sacraments. 2. It is
 ' contrary to the practice of the aposto-
 ' lick and primitive churches, whose constant
 ' practice was to execute the spiritual func-
 ' tions and censures; and, notwithstanding
 ' human prohibitions, to obey God rather
 ' than man. 3. It is contrary to the civil
 ' law, *Si contra jus vel utilitatem publicam, vel*
 ' *per mendacium, fuerit aliquid postulatum vel im-*
 ' *petratum ab imperatore. Et titulo de diversis*
 ' *rescriptis & pragmaticis sanctionibus.* 4. The
 ' same is contrary to the canon law, *decret.*
 ' *decretal. extravagan. titulo de rescriptis.* 5. It is
 ' contrary to the universal custom of all na-
 ' tions, ordaining their judicatories to do ju-
 ' stice, notwithstanding their princes prohibi-
 ' tion; as is clear by *Convarnuvia* in *Spain*,
 ' *Pappon* in *France*, *Suedwyne* in *Germany*, &c.
 ' upon the title *de rescriptis aut constitutionibus*
 ' *principum.* 6. To the constitutions of ge-
 ' neral

1638. neral assemblies; because in several assemblies, upon complaints made that the king's majesty, by his council, and their letters, offered some stop to the church from going on in her ecclesiastical censures, especially by act of the general assembly convened in the new college of *St. Andrews*, 20th *April* 1582, it is ordained, that none being received to any ecclesiastical function, office, or benefice, seek any way by the civil power to exeem and withdraw themselves from the jurisdiction of the church, or procure, obtain, or use any letters or charges, either by themselves, or any other in their name, or at their command and instance, to impair, hurt, or stop the said jurisdiction, discipline, correction of manners, or punishment of their offences and enormities; or to make any appeal from the general assembly, to stop the discipline and order of the ecclesiastical policy and jurisdiction granted by God's word to the office-bearers within the said church, under the pain of summar excommunication, to be pronounced by the judgment of the presbytery, by the minister or ministers which shall be appointed by them, how soon as it is known that any of the said heads are transgressed. Likeas, both the king's majesty and his council promised, that none thereafter should have that cause to complain; as is manifest by the act of assembly at *Montrose*, in *July* 1597. And the assembly holden at *St. Andrews*, 24th *April* 1582, being charged with letters of horning, not to proceed against *Mr. Robert Montgomery*, did

did write to his majesty, that this discharge 1638.
 was extraordinary, a thing that was never
 heard nor seen since the world began, and
 was directly against the word of GOD, and
 laws of the kingdom. And yet, notwith-
 standing of the said charge, the assembly did
 proceed and excommunicate the said Mr. Ro-
 bert. Further, in the assembly at *Edinburgh*,
 the 27th of *June* 1582, *sess.* 7. amongst the
 grievances presented by the church to the
 king, the first is, That his majesty, by advice
 of some counsellors, is moved to take upon
 him that spiritual power and authority which
 properly belongeth to CHRIST, as only king
 and head of his church, the ministry and
 execution whereof is only given to such as
 bear office in the ecclesiastical government
 of the same: so that in his majesty's person
 some men pres to erect a popedom, as tho'
 his majesty could not be full king and head
 of this commonwealth, unless as well the
 spiritual as temporal sword be put in his
 hand; unless CHRIST be robbed of his au-
 thority, and the two jurisdictions confounded,
 which GOD hath divided; which directly
 tends to the wrack and overthrow of all true
 religion, &c. And in the assembly holden at
Edinburgh in *October* 1582, *sess.* 15. summons
 are directed by the general assembly against
 the king's advocate, for drawing up the
 king's proclamation of that strain. 7. The
 foresaid command is also contrary to the
 acts of parliament; because, as they appoint
 every matter for its own judicatory, and to
 all judicatories their own freedom, so much
 more doth this liberty belong to the national
 assembly,

1638. assembly, being the supreme judicatory ecclesiastick of this church, and only competent judge in matters so important, and so nearly concerning God's honour and worship immediately, the salvation of the people's souls, the settling of the purity of God's worship, the purging away the corruptions thereof, and right constitutions of the kirk; whose liberties and privileges are confirmed, *parl. 12. K. Ja. VI. and parl. 1. K. Ch.* Likeas, by *act 114. parl. 12. K. Ja. VI. anno 1592*, the liberty and discipline of the church, especially in her presbyteries and assemblies, are fully and firmly ratified, with declaration that the act of the king's majesty's prerogative-royal over all estates and persons, shall no ways be prejudicial to the privileges which God hath given to the spiritual office-bearers in the church, concerning heads of religion, matters of heresy, excommunication, collation and deprivation of ministers, or any such like essential censures, specially grounded upon the word of God; with full power even to the particular presbyteries, to put order to all matters and causes ecclesiastical within their bounds, according to the discipline of the kirk. 8. The lords of council and session, by *act 92. parl. 6. King Ja. VI.* are ordained to proceed in all civil causes intended or depending before them, or to be intended, and to cause execute their decrees, notwithstanding any private writing, charge, or command from the king's majesty or his council in the contrary. As also, by *act 47. parl. 11. K. Ja.*

' *Ja. VI.* all licences or supersederes pur-1638.
 ' chased from his majesty, are discharged as a
 ' contempt done to the law, as prejudicial to
 ' the lieges, and contrary to justice; and de-
 ' clareth the same to be null in law, and not
 ' effectual to the purchaser any ways; and or-
 ' daineth all judges within this realm to pro-
 ' ceed and do justice, in the same manner as
 ' if the said supersederes and licences never
 ' had been purchased nor produced. And by
 ' the 106th act, *parl. 7. K. Ja. VI.* all licences
 ' granted by his majesty to hinder the execu-
 ' tion of acts against papists, and other adver-
 ' saries of the true religion, are discharged, and
 ' declared to be of no force. According to
 ' which it hath been the ordinary custom, both
 ' in civil and ecclesiastical judicatories, (not-
 ' withstanding of private warrants or prohibi-
 ' tions contrary to law, which commonly are
 ' impetrated from his majesty upon misinfor-
 ' mation), to proceed and minister justice.
 ' 9. To discharge obedience to the acts of the
 ' assembly, stop the execution thereof, and
 ' protect and defend such as are delinquents,
 ' and under the censure of the church, is di-
 ' rectly repugnant to the large *Confession of*
 ' *Faith*, wherein, *cap. xix.* the third mark of
 ' the true church is affirmed to be, upright
 ' ministration of ecclesiastical discipline, as
 ' God's word prescribes, for establishing good
 ' order, and repressing of vice; and so no
 ' more can be impeded, nor justly taken from
 ' the kirk, than any of her other two marks,
 ' viz. the right preaching of the word, and mi-
 ' nistration of the sacrament: And therefore,
 ' in the oath at the king's coronation, he swear-
 ' eth

1638. *eth to maintain this confession, and these*
three marks of the church; and particularly
that he shall be careful to root out of his
empire, all hereticks, and enemies to the
worship of God, that shall be convicted by
the true kirk of God of the foresaid crimes.
10. In the short Confession of Faith, sworn
1580 and 1590, and renewed by the great-
est and best part of this kirk and kingdom,
with an explication renewed also at his
majesty's command by his council, all are
bound to continue in obedience to the doc-
trine and discipline of the church, and defend
the same according to their vocation and
power. So that, seeing this general assembly
hath proceeded in their constitution, acts,
and whole proceedings, according to the
discipline of this church, annis 1580 and
1590, contained in the second book of discipline,
which in both of these years were ordained
to be registrated, and sworn to by all the
ministers of this church, as the discipline
thereof, and wherein the civil and ecclesia-
stical jurisdiction are so clearly distinguished,
book ii. chap. i. as the power of the sword
may no ways stop or impede the power of
the keys; and in chap. vii. the eldership
(i. e. the presbyteries) and assemblies have
power to execute the ecclesiastical punish-
ment upon all transgressors and proud con-
temners of the kirk; and in chap. x. the
office of the Christian magistrate in eccle-
siastical matters, is said to consist in assisting
and maintaining the discipline of the church,
and punishing those civilly who will not obey
the censures thereof, without confounding
the

the one with the other ; and this order of 1638. the ecclesiastical discipline, condescended upon in general assemblies, as warranted by divine authority to be executed, notwithstanding any human inhibition, is set down before the psalms in metre ; and therefore we can never expect, that his majesty, who, out of his pious inclination to justice, hath declared and ordained, by his proclamation the 22d of *September* last, that all his subjects, both ecclesiastical and civil, shall be liable to the trial and censure of the general assembly, or any other judicatory competent, will now stop the execution of the lawful and grave sentences of this national church, so comfortable to us, and so necessary for maintaining the purity of religion, which his majesty, in the end of the articles before mentioned, hath promised to defend, and his subjects in the profession thereof, which is incompatible with the defence of excommunicated and obstinate persons. But therefore we are assured, that his gracious majesty will be pleased to allow that reverence and all ready obedience may be given to the whole acts, constitutions, and censures of the said general assembly, by all his subjects, who undoubtedly and necessarily are obliged to the obedience of all the lawful commands and injunctions of the church, if they would be accounted members or sons thereof.

S E S S I O N XXV.

In this session there was a number of petitions for transportations heard and answered ; as, for Mr. *Andrew Cant* to *Pitligo*, Mess. *James Sharp* and *John Hamilton* to *Paisley*, Mr. *Robert Douglas*.

Several ministers transported. Journal.

1638. *Douglas to Kirkaldy, Mr. Robert Blair to St. Andrews, and Mr. Samuel Rutherford to be professor of divinity in the New College there.*

Mr.
Rutherford
opposes his
trans-
porta-
tion,
Journal.

Mr. Rutherford opposed his transportation to his power; but his objections turned out rather to be reasons why he should comply with the call given. Yet in one thing the assembly behoved to give him his will. He said, the high commission never did him a worse turn than to stop his mouth from preaching, that there was a woe unto him if he preached not the gospel, and that he knew not who could go betwixt him and that woe. And so he was permitted as well to be colleague to Mr. Blair in preaching, as to teach. And under his care were brought up a great number of the most eminent ministers which hath at any time been in the church of *Scotland*.

and Mr.
Blair and
his flock
oppose
his
Baillie,
P. 652.

But of all the opposition, that of Mr. Blair's was the most moving. The success of his ministry in *Ayr*, and their liberality towards him, had engaged his affection strongly to them; and the difficulty of discharging his office with comfort in *St. Andrews*, did greatly discourage him from complying with such a call: so that he did most earnestly oppose it; and the town of *Ayr* did, by *John Stewart* their provost, deprecate that oppression. Yet the earnestness of *St. Andrews*, the importunity of the nobility of *Fife* to have that seminary well provided, and the knowlege many had of Mr. Blair's dexterity, to recommend the fear of God to the hearts of young ones, prevailed with the assembly, against his own prayers and provost *Stewart's* tears, to carry his transportation by a small majority.

At

At the same time, they gave a commission 1638. to Mr. *Archibald Johnston* their clerk, to be also their procurator, and to Mr. *William Dalglish* to be their agent.

The rest of their work that day was of a more publick nature. After the moderator and several other members had sufficiently exposed the evil of civil power in churchmen, and their incapacity for a place in parliament; the assembly did all, except two, harmoniously vote for, and pass the act against the civil places and power of church-men, which is published amongst their printed acts.

Nevertheless, the assembly thought needful, in respect they wanted a ratification of their acts in parliament, &c. to solicit the good offices of as many of the elders as should have vote in parliament; and they appointed a number of ministers, and young noblemen and barons, who were not commissioners for the parliament, to attend the same with their requests. And,

On this occasion also they thought needful, in respect the office of the ruling elder had been controverted, to ascribe much of their harmony in reformation-work to them; and with great unanimity they declared their approbation of that office, as a divine institution.

SESSION XXVI.

Thursday the 20th of *December*, was the last session of this famous assembly, and a glad day to all the members.

The draught of an excellent and well-penned supplication, from the assembly to the king, which had been presented by the moderator

A procurator and agent.

An act made against civil power in ecclesiasticks, *Ibid.*

Application to be made to parliament, for ratifying their acts, *Ibid.*, and *Baillie.*

The office of the elder approved, *Journal.*

An address to the king approved, *Journal.*

1638. rator at their former sederunt, was 'ap-
 proven in this, and sent up to his majesty in
 the manner we shall afterward relate. Of this
 there is a copy in the printed acts.

Several
 acts con-
 cluded,
 as a
 power of
 inspect-
 ing
 books
 allowed
 to their
 clerk,
Journal.

Several others passed this day, and are to
 be found amongst their printed acts, such as,

1. An act allowing to Mr. *Archibald Johnston* their clerk, the inspection of all treatises or papers that concerned the church, and prohibiting all printers from publishing any thing of that sort not licensed by him. Which was thought giving too much credit to any one man; but it was then the fashion of supreme courts; and, according to Mr. *Baillie*, who knew him as well as any other, the clerk understood no more by that, than the inspecting of such treatises as concerned the church.

An order
 to cen-
 sure re-
 cusants,

2. An act ordaining presbyteries and synods to convene before them, such as were scandalous and malicious, and would not acknowledge the assembly, nor acquiesce in her acts, and to censure them for their malice and contempt according to the acts of the church.

and to
 buy the
 acts of
 assembly.

3. An act ordaining every presbytery, to take from the clerk the index of the acts of this assembly in the mean time, and the said acts themselves so soon as printed.

An act
 declar-
 in the
 sense
 wherein
 the co-
 venant
 was to
 be taken,
Ibid. and
Baillie.

4. An act approving of the national covenant sworn in *February* preceeding, in all its heads and articles; and ordaining all ministers, masters of universities, colleges and schools, and all others who had not already subscribed the said covenant, to subscribe the same with these words. 'The article of this covenant, which was at the first subscription referred to the determination of the general assembly; and

‘ and now, being determined, and thereby 1638.
 ‘ the *five articles* of *Perth*, the government
 ‘ of the kirk by bishops, being declared to be
 ‘ abjured and removed, and the civil places
 ‘ and power of kirk-men, upon the reasons
 ‘ and grounds contained in the acts of the
 ‘ general assembly, declared to be unlawful
 ‘ within this kirk, we subscribe according to
 ‘ the determination foresaid.’

According to Mr *Baillie*, his difficulty, whe- An ob-
servation
on this
act.
 ther episcopacy and *Perth-Articles* were abjur-
 ed in the covenant 1580, did yet remain so
 heavy on him, that he could not positively
 vote with the assembly; but, that he having
 signified the same to the earl of *Lowdown*, Mr.
Archibald Johnston, and some others, he thinks it
 was owing to this, that an agreement was gone
 into, that those only should be required to sub-
 scribe of new, who had not already done it, and
 that when the votes were called, *Lowdown* being
 afraid of his contrary voice, caused the clerk pass
 his name in calling the roll; and, adds the same
 author, ‘ This passage came to dean *Balcanqual*’s
 ‘ ears by some of his creatures, who were still
 ‘ lurking among us, which he related to the
 ‘ king, disguised with a number of untruths;
 ‘ yea that unhappy man, to prove himself
 ‘ thankful to *Canterbury*, has made the king
 ‘ believe upon his trust and print in his own
 ‘ name, a declaration consisting of 430 pages
 ‘ *folio*, stuffed with falsehoods and silly fables
 ‘ invented for our disgrace. But I hope his
 ‘ majesty will soon be perswaded to the con-
 ‘ trary, and that he will take order with those
 ‘ who lay on his back the burden of all their
 ‘ crimes.

1638. Next, the assembly made an act humbly supplicating the king to approve of their interpretation of the covenant sworn in the year 1580; and whereas his majesty's commissioner had declared, that the intention of imposing that covenant was noways to abjure, but to defend episcopacy, and requiring that none take it in another sense, they by their ecclesiastick authority prohibited all the members of this church from swearing the said covenant, so wrested to a contrary meaning, under pain of ecclesiastick censures.

An act prohibiting all to swear the covenant in a different sense, *Journal.*

An act asserting the intrinsic power of the church to meet annually &c.

The only other act of this assembly was, an act declaring that by divine, ecclesiastical and civil warrands, this national church hath power and liberty to assemble, and convene in her general assembly yearly and oftner, *pro re nata*, as occasion and necessity shall require, and appointing the next general assembly to meet at *Edinburgh*, the third *Wednesday* of *July* 1639. But, if in the mean time it should please the king's majesty to indict a general assembly, they ordained all presbyteries, universities and burghs, to send their commissioners for keeping the time and place which should be appointed by his majesty.

A thanksgiving appointed, *Ibid.*

After this the assembly appointed that there should be a thankful commemoration, by all their members, in their families, congregations and presbyteries, of all the great and good things which God had done for them; and particularly, that the first sabbath after their return home, they should intimate the conclusions of this assembly, and exhort their people to prepare against the next sabbath thereafter, not for a carnal festival, as had been the

the practice formerly, but for a humble thank- giving, as becometh saints. 1638

And now, all matters considerable being discussed, the moderator had a speech to the following effect :

‘ I suppose none here expect any discourse from me, worthy either of the time appointed for so great affairs, or of such a noble, learned and wise auditory as this is ; yet, seeing it is expected of me, I shall say something concerning my self, and next a word to others. The moderator's concluding speech,

‘ Concerning myself I would say, (1.) That the evil that I shunned is come upon me, and I would have avoided it because of that aversion which I had to expose my own weakness and infirmities ; yet I would not call it an evil absolutely, because the charge I have born these days past, was laid on me by you, and I am sure that GOD hath done good to me by it ; and for the omissions or mismanagements wherewith I am chargeable in the discharge of that trust, which are many, I crave pardon of the GOD of heaven, and of this honourable assembly. And, (2.) Another thing I would notice, wherein I am some way concerned, is, that I observe the beginning and conclusion of the works of GOD to be very answerable. The beginnings of this work were by weak instruments, and so has the conclusion been, by reason of my weakness who have been employed in it, and this is, that the LORD may, as is due, get the glory of his own power.

‘ But

1638.

‘ But why do I say that I have been an instrument? Nay, you have been the instruments raised by God, who have been honoured to bring this work to pass, by your piety, prudence and pains; and I must acknowledge all ranks have been diligent, faithful, and zealous in every point, even to my admiration: Nevertheless, ye must not rest here, but ascend higher, and consider the goodness of our gracious Sovereign toward us; for ye know this assembly was indicted by his majesty’s authority, and his commissioner was present here till it was fully constituted; and therefore let us pray that his majesty may reign long and prosperously over us.

‘ Yet, after all, we must not rest upon the king, but ascend yet higher, to God himself, and give him his own praise: Surely the name of God is worthy of all praise. He had an eternal love to *Scotland*, and gave his only Son, our LORD JESUS CHRIST, to redeem us by his blood, and to purchase the Holy Spirit unto us. And when the time of the promise drew near, that *the isles should wait for his law*, he was pleased to call our fathers out of Antichristian darkness, and to make them a people near to him, both in privileges and attainments.

‘ What shall I further intreat you, honourable, reverend, and well-beloved, but to consider the great and singular mercy vouchsafed to us, in our late deliverance from popish and *Arminian* errors, episcopal tyranny and superstition, and a languishing state and condition? Our adversaries were the
‘ head

‘head, and we only the tail: They only 1638.
‘would have the name of learning, pru-
‘dence and policy, and we were accounted
‘poor, silly, ignorant fools, in comparison of
‘them. Our sun was almost set at noon, and
‘we surely would have died in darkness, un-
‘less the LORD had appeared graciously for
‘us, and made his light to shine.

‘Next, I would have you to consider, be-
‘loved, that the beginnings of this great work
‘were small, weak and obscure; and yet,
‘by the LORD’s touching the hearts of all
‘ranks in the country, we became like a
‘nation born at once. The LORD wrought
‘sensibly with multitudes, light filled their
‘minds, and heat warmed their souls. This
‘was especially observable in many of our old
‘men, who having, through want of devo-
‘tion, been frozen with cold, when they set
‘about renewing our covenant with GOD, his
‘Spirit breathed on these dry bones, and their
‘hearts glowed with the heat of it; and since
‘that time we have found his presence re-
‘markably in all our meetings.

‘Nor would I have it overlooked, that our
‘adversaries themselves have contributed to
‘our conclusions, (thanks be to the LORD who
‘over-rules all the actions of men) for they
‘have wrought more for our purpose than
‘our own prudence hath done; and when
‘our wits failed us, their courses opened a
‘new scene for action. Surely this was the
‘extraordinary providence of GOD, that works
‘not only by means, but sometimes also with-
‘out means, and at other times contrary to
‘means,

1638. ' means, and to the wicked intentions of our
w ' enemies.

' The fruits of this work, which have appeared in the lives of many, ought also to be thankfully remembered. Since the same began, we have seen greater piety, more religious exercise in families, greater sobriety, temperance and chastity, more care taken to perform the duties of righteousness, and less deceit, cruelty, oppression, and falshood in the land, than before this work began.

' And surely, beloved, the mercies vouchsafed in our constitution and conclusions, will draw out our gratitude to our gracious LORD. This assembly was indicted by our sacred Sovereign, and countenanced by his majesty's commissioner, till fully constituted; and notwithstanding we were deprived of the assistance of civil authority, we have been kept together with an amazing harmony, and I trust also in a close adherence to truth against manifold fears, and beyond the expectations of all. Surely this should make us wonder at the goodness of God toward us, especially considering our comfortable proceedings. Now, we are freed of the service-book, which was a book of slavery indeed; of the book of canons, which tied us in spiritual bondage; of the book of ordination, which was a yoke put on the neck of faithful ministers; of the high-commission, which was a guard to keep us all under that slavery; and of the civil places of church-men, which was the splendor

'dor of all these evils, and the LORD has led ^{1638.}
'captivity captive, and made Lords slaves.

'Seeing then that the LORD has granted
'us liberty, what should we do less than la-
'bour to be sensible of our liberty? We are
'like a man that has lyen long in irons, who,
'after they are off, and he redeemed, feels
'not his liberty for a time; but the smart of
'them makes him apprehend that they are
'on him still: So is it with us, we do not yet
'feel our liberty, therefore it were good for
'us to keep the bounds of our liberty where-
'with CHRIST has made us free, and not
'be intangled again with the yoke of bondage;
'for ye know that in logicks, *a privatione*
'*ad habitum non datur regressus*, holds true in
'politicks, a courtier being once degraded,
'doth scarcely ever regain his credit; and it
'doth specially hold true in spiritual things.
'I grant the LORD can miraculously give
'eyes to the blind, and raise the dead, as we
'are witnesses this day, having ourselves been
'brought back to him, after we had run far
'on in a course of defection: but take heed
'of a second defection, and rather endure the
'greatest extremity, than be intangled again
'with the yoke of bondage. I grant the cross
'is hard to look upon; but if we get strength
'from our LORD, it shall be an easy yoke:
'Remember the plague of *Laodicea* for luke-
'warmness, and beware of her sin; for ye
'know the Lord threatens to spue them out
'of his mouth, which imports, 1. That he
'will take delight in executing judgment
'upon us, as a man takes delight to emp-
'ty

1638. ' ty his oppressed stomach. 2. That it shall
 ' have reproach with it, as a man goes
 ' to a secret place with his vomit. And, 3.
 ' That whom the LORD thus spues out, he
 ' will never return to there again, as a man
 ' never returns to his vomit; and therefore,
 ' let us know our liberty. *Next*, esteem re-
 ' verently of it, and *then* use it diligently. I
 ' shall have done, after I have mentioned a
 ' few persons, to whom it becomes us to be
 ' especially thankful. And,
 ' *First*, We ought to testify our gratitude to
 ' the king's majesty, under whom we have
 ' had the liberty to convene together; and
 ' this we would do two ways: 1. We should
 ' not cease to continue our fervent prayers
 ' for our king, that it would please God to
 ' bless him with all royal blessings. And, 2.
 ' In our preachings, we should be careful to
 ' recommend his authority to the people, and,
 ' next unto CHRIST, let him have the highest
 ' place; for however the fifth commandment
 ' be a precept of the second table, yet it is next
 ' to the first table, teaching us, that next unto
 ' our duty to God, we owe due reverence to
 ' those who are in place above us; therefore,
 ' when ye hear evil reported of his majesty,
 ' attribute the same to misinformation. We
 ' find in *Numbers* xxii. that what God did
 ' speak to *Balaam*, he diminished the same;
 ' and what *Balaam* said to the servants of *Ba-*
 ' *lak*, they also diminished it; for, tho' *Ba-*
 ' *laam* said so far true, that the LORD would
 ' not give him liberty to go and curse *Israel*, he
 ' concealed that the LORD did expressly forbid
 ' him, *because they were a blessed people*, and
 ' the

' the servants of *Balak* did also misrepresent 1638.
 ' that soothsayer's message; for, whereas he
 ' told them, that the LORD refused to give
 ' him leave to go, they reported that *Balaam*
 ' refused to come with them, as if he had
 ' said so from his own proper motive: So it is
 ' at this day; many run to the king with re-
 ' ports against us, saying, these rebellious per-
 ' sons will not do this or that, and to be sure
 ' his majesty cannot understand but what he
 ' hears; therefore we should pray to him
 ' who hath the hearts of kings in his hand,
 ' that he would convey knowledge to our
 ' royal sovereign, to understand matters a-
 ' right; and we put no question, that when
 ' he understands our proceedings have been
 ' upright, with respect to religion, and loyal
 ' to him, he will think well of them, and
 ' vouchsafe his royal approbation and ratifica-
 ' tion thereto, which we pray the LORD to
 ' grant in his own time.

' Secondly, Concerning the nobles, barons
 ' and burgesses, who have attended here, I
 ' must say, and may say it confidently from
 ' the LORD's word, *Those who honour God*
 ' *he will honour them.* You who have been
 ' honouring God, by giving ample testimony
 ' of your love to religion this time bygone,
 ' may, if ye go on, expect the LORD's pro-
 ' tection, and your faith shall be found at the
 ' revelation of JESUS CHRIST, unto praise,
 ' honour and glory; nay even in this world
 ' your faith, devotion and zeal, shall be found
 ' unto praise, honour and glory, the LORD
 ' shall recompense to you an hundred-fold
 ' more in this life, and in the world to come

Q q q q

' life

1638.

' life everlasting: and I dare not dissemble,
 ' that in a special manner my heart is toward
 ' these nobles, whose hearts the Lord hath
 ' moved to be chief instruments in this
 ' work. Ye know they, like the tops of the
 ' mountains, were first discovered in this de-
 ' luge, which made the little valleys hope to
 ' be delivered from it also; and so it is come
 ' to pass. I remember to have read that in
 ' the eastern countries, where they worship
 ' the sun, a multitude being assembled in the
 ' morning for that effect, and striving who
 ' should first see their mistaken deity: a
 ' servant turned his face to the west, which
 ' all the rest accounted foolish; yet he got
 ' the first sight of the sun shining on the top
 ' of the western mountains: so truly he
 ' would have been thought a foolish man,
 ' who a few years ago would have looked for
 ' such things of our nobles as we now see;
 ' yet our LORD JESUS hath nobilitated them;
 ' so that, contrary to their station, which is
 ' subject to manifold temptations, and the
 ' age of severals of them, which uses not to
 ' see much beauty or contentment in such
 ' affairs, they have taken part in our trials,
 ' and had a chief hand in all the conclusions
 ' we have brought to pass, and their liberality
 ' hath abounded to many on this occasion;
 ' *The Sun of righteousness* has been pleased to
 ' shine forth on these mountains, and long,
 ' long, may he shine on them, for the com-
 ' fort of the hills, and refreshing of the val-
 ' leys; may the blessing of God be on them
 ' and their families, and we trust it shall be
 ' seen to be so to the generations following.

' Next,

Next, For us of the ministry, we have 1638.
 'cause to praise the Lord, for giving us a
 meeting here with so much peace and truth,
 there hath been no difference amongst us
 'worthy of the naming. It is a wonder to
 find so much harmony among us, in such
 circumstances as we are; and scarcely hath
 the like been seen in a national assembly at
 any time.

Lastly, The part which this city hath acted
 on this occasion, in accommodating us so
 well here with seats and lodgings, and the
 countenance and assistance given to us by
 their chief magistrate, deserves our grati-
 tude. The best recompence we can make
 them, is to pray for the blessing of God to
 them, and to give them a taste of our la-
 bours, by visiting their university, and any
 other thing that is in our power, without
 prejudice to the church of God; that so
 the kingdom of Our Lord Jesus may be
 established amongst them, and that the
 name of this city may from henceforth
 be, *JEHOVAH SHAMMAH, the Lord is there.*

After the moderator had done with speak-
 ing, he desired Mr. *David Dickson*, Mr. *Andrew*
Ramsay, and some of the nobles, to supply
 what he had omitted: And accordingly, the
 two above named had discourses to the same
 purpose with himself: But, as we observe no-
 thing substantially new therein, we shall pass
 these, and give place to an *extempore* speech
 delivered by the earl of *Argyll*.

For, the moderator judging after all, that
 the countenance given to their meeting by
 that noble peer, deserved a particular acknow-
 ledgment

1638. ledgment; he made mention of him with approbation; and wished that his lordship had joined them sooner; but he hoped God had reserved him for the best time, and that he would honour him here and hereafter: Whereupon his lordship said, 'Since it hath pleased you, moderator, to mention my name, you give me occasion to thank you for putting so favourable a construction on my carriage; and whereas you wish I had joined with you sooner, truly, it was not want of affection to the good of religion, and my own country, which detained me, but a desire and hope, that by staying with the court, I might have been able to bring about a redress of grievances: And when I saw that I could not stay longer, without proving unfaithful to my God and my country, I thought good to do as I have done. And now, since I am up, one thing I would remind you of, who have been purging the church of corruptions and evil instruments; and that is, that ye would learn a lesson at their expence. *Felix quem faciunt aliena pericula cautum*; I remember I told some of them upon an occasion, that pride and avarice are two evils, which have wrought much woe to the church of CHRIST; and as they are grievous faults in any man, they are especially so in churchmen. I repeat it with reverence of their learning, and I hope every man here shall walk by the square and rule which is now set before him, observing duty, 1. To superiors. 2. To equals: And 3. To inferiors. Touching our duty to superiors, there need be nothing added to what hath been wisely said
by

' by the moderator; only, let us all beware, 1638.
 ' since we are freed of many yokes of bon-
 ' dage, not to abuse our christian liberty;
 ' for this were to make our profession evil
 ' spoken of. *Next*, concerning our equals:
 ' There is a case much spoken of in this
 ' church, and that is the power of ruling-
 ' elders; some ministers apprehending it to
 ' be a curbing of their power. Truly, it
 ' may be, that some elders be not so wise as
 ' need were: And if any such strive to make
 ' use of their power, otherways than for the
 ' good of the church, they may be sure of
 ' their judgment. If ought of that sort
 ' fall out, let it not breed a distemper in the
 ' church: But as unity ought to be the endea-
 ' vour of us all, let neighbouring parishes or
 ' presbyteries meet together for settling the
 ' same, that no dissension of this kind come to
 ' a height, otherways it may do much evil to
 ' the church of God: And, *thirdly*, for infe-
 ' riors, I hope ministers will study to discharge
 ' their duty to their flocks, and that people
 ' will have a due regard to those who are set
 ' over them, to watch for their souls; and not
 ' think, that because they want bishops they
 ' may live as they will. And if all of us
 ' shall thus deport ourselves, and go on con-
 ' stantly in the defence of our religion, and
 ' of the authority of our royal master, altho'
 ' our gracious sovereign do not every thing at
 ' first, as we would wish; yet time may work
 ' many things; and I pray that his majesty
 ' may reign long and prosperously over us.
 ' *Argyll* having made an end of speaking, the
 ' moderator gave thanks to his lordship for that
 ' speech,

1638. *speech, craved pardon for mentioning his name, and supported what he had said in a short discourse, and then concluded that long and very solemn assembly with prayer, singing of Psal. cxxxiii. and pronouncing of the apostolical blessing.*

The assembly being thus happily concluded, Mr. Henderson said, *We have now cast down the walls of Jericho: Let him that rebuildeth them beware of the curse of Hiel the Bethelite; and so all the members departed with great comfort and humble joy, casting themselves and the church, over which the HOLY GHOST had made them OVERSEERS, into the arms of their gracious GOD.*

CHAP. IV.

Containing the History of the mutual preparations for war, betwixt the king and his subjects of Scotland, and other commotions in that kingdom, from the rising of The assembly at Glasgow, to the concluding of The treaty of peace at Birks.

1639.

Intro-
duction.

BY this time the king might have seen that he had not to do with an inconsiderable party, but with a whole nation, seeking nothing more nor beside the peaceable enjoyment of their religion and liberty, under the protection of his majesty, a blessing they preferred to their very lives, and therefore that he stated himself not merely as a party against them,

them, but against God on their side, whose word and Spirit did comfortably conduct them, and whose providence was signally engaged for the success of their cause. Nevertheless, his heart was hardened still: And rather than our ancestors should escape from under the yoke of his despotick will, and the whip of these cruel taskmasters, the bishops, and their faction, he would pursue them with fire and sword, to get his cruel lust satisfied in their destruction, as will appear from the sequel. However, the council of the Lord turned out otherways, and made arbitrary power, the snare which king *Charles* had made for others, the pit wherein himself fell at last. But before we enter into this large field, we will, following our former resolution of narrating matters, rather in the order of time than of purpose, hint at a few things which fell out in the mean time.

The members of the late assembly returning to their several habitations, were careful to intimate her conclusions every where, except at *Aberdeen*, where the opposite faction being the strongest, Dr. *Guild* was afraid to do his work; and Mr. *Lundie*, commissioner from the *Old-Town* college, was conveyened before the rector and regents, sharply rebuked for staying with the assembly, after the lord-commissioner left them, and threatened with deprivation on that account: But they thought fit to defer this till they saw what issue affairs should have. Nevertheless, which was as bold a step, they made an act, That when the committee for visitation of their university should come thither, the gates should be shut against them.

Assembly acts
opposed
at *Aberdeen*,
Row, p.
340.

1639
- on
not

1639. them; and that none of the members should acknowledge the same, under the pain of deprivation. And upon the 24th of *December*, the marquis of *Huntly* published the before mentioned proclamation, against the assembly of *Glasgow*, at the cross of *Aberdeen*, and his resolution of keeping that city and county for the king's service. Whereupon the town of *Aberdeen* appointed a watch, and a council of war, made catbands to hold off horses, and placed cannons for defence of the several entries to the city. But to return to the main business.

The
Scots
court
Hamil-
ton's fa-
vour, but
are up-
braided.
Mem.
Ch. Scot.
p. 188.

Before the marquis of *Hamilton* set out for the court, the 5th of *January* 1639, the chiefs of the covenanters came to wait on him, and solicit his good offices for them with their sovereign; but were received with such menaces as these; *You must not think to use your kings now as you did formerly, when they were only kings of rebels: The king now has another royal and warlike nation at his command, and you shall soon feel it to your cost, &c.*

They
suppli-
cate the
king,
Baillie,
p. 749.

This hard usage did not however discourage them from acting the part of loyal subjects: But according as it had been decreed in the assembly, they resolved on sending up their supplication to the king; and even this was a matter of some difficulty; for, if in peaceable times it be dangerous for any subject to play the ambassador with the prince in state-affairs, without being called for by the sovereign, or sent up by his council, it was become much more so now. Nevertheless, Mr. *George Winram* of *Libberton*, a gentleman of the marquis's acquaintance, undertook to be
the

the bearer on all hazards; and he was no worse than his word. He went to court and shewed his errand to the marquis, who acquainted the king of it, and to make the Scots somewhat secure, his majesty yielded, much contrary to his inclination, being resolved, says bishop *Burnet*, neither to think nor talk of treating, till he should appear in a more formidable posture, that the supplication should be received. So the council for Scots affairs being called together the 15th of *January*, *Hamilton* read the supplication on his knees; and according to bishop *Guthrie*, the council were of opinion, that it was a most humble and well penned letter. Nevertheless, the best answer the king gave to it, was the Scots proverb, *When they have broken my head, they will put on my coul.* Mr. *Winram* waited on till the middle of *March*, in hopes of a better answer; during which stay he did his country good service by his intelligence, but received no answer, the king having other fish to fry.

For as soon as it was known at court, that the general assembly at *Glasgow* continued to sit after they were discharged, and that the people approved their conduct, the king meditated revenge, and resolved to levy an army to bring them to their duty. He knew that his party in *Scotland* was extremely weak, and that he behoved to make use of the aid of his *English* and *Irish* forces; and therefore the design laid down, says *Burnet*, was this, 'His majesty was to raise an army in *England* of 6000 horse and 30,000 foot, and to lead them in person towards *Scotland*. He was to write to all the nobility of *England* to wait upon

1639.

Mem. p. 51.

who rejects it, Baillie, p. 759.

And resolves to invade them on all hands

Mem D. of Ham. p. 113.

R r r r

' him

1639. *him to the campaign, with their attendants, who should be maintained by his majesty's pay. He was to put 2000 men in Berwick, and 500 in Carlisle. He was at the same time, to send a fleet to ply from the Frith northward, for stopping of trade, and guarding the coast. He was also to send an army of 5000 men under the marquis his command, to land in the north, and join with Huntly's forces, all which should be under his command, he retaining still the character of commissioner, with the addition of general of the forces in Scotland: And with these he was, first, to make the north sure, and then to move southward, which might both make a great diversion, and encourage such as wished well to his majesty's service, who were the greater number in those parts. Next, the earl of Antrim was to land in Argyll-shire, upon his pretensions to Kintyre, and the old feuds betwixt the MacDonalds and Campbells; and he promised to bring with him 10 or 12,000 men. And, last of all, the earl of Strafford was to draw together such forces as could be levied and spared out of Ireland, and come with another fleet into Dumbriton Frith: And for his encouragement, the marquis of Hamilton desired him to touch at Arran, and he would be sure of all his naked rogues there." And, adds Mr. Whitlock, by the advice of archbishop Laud, the king hastened his levies of men, and money, without consent of parliament. And because this was the bishops war, it was held fit that they should contribute largely towards the preservation of their own hierarchy. Accordingly orders were issued from*

from the council, to the archbishops of Canterbury and York, to the other bishops to give largely, which they did, and about 1000 l. was raised in each diocese by a medium; the doctors of the commons gave 700 l. and the papists, by direction from the queen, contributed largely. — Thus was the design laid for swallowing up our church; and so very promising like did it look, that a desponding heart would have been ready to anticipate its own certain destruction, and to turn the old infidel boast into a prediction. That the dust of Scotland would not suffice for handfuls to all the people who were to come against it.

Of these devices the Scots were not ignorant; for, tho' according to the bishop of Salisbury, none were privy to the first concoction of this affair, except the archbishop of Canterbury, the marquis of Hamilton, the earls of Strafford and Arundel, and Sir Henry Vane; yet it was not kept a secret long, several informations were sent of the preparations making against the Scots. The first assurance they had of this conclusion was the oath exacted of our countrymen at court, to renounce the covenant and the assembly, and to assist the king against their country whenever required. The next was the king's letter, published the 26th of January, commanding the English nobility and gentry to attend his royal standard, with all their forces, at York, against the first of April, under pretence that the Scots were arming to invade them, and to root out episcopacy in England, as well as Scotland, and to amend their broken fortunes: and a third evidence was a commission of lieutenantry

The Scots certified of this by their friends in England. Mem. D. of Ham. p. 114.

Baillie, p. 750, 751.

1639.

Yet the
clergy
proceed
in their
work,
Ibid.

antry to the marquis of *Huntly* for the north of *Scotland*.

These alarms put our country out of all doubt of their enemies intentions, and yet they still persisted in the duty of their stations, and, like *Nehemiah's* builders, they were furnished both for building and fighting; for, on the one hand, the several committees appointed by the assembly held their meetings, and as by warrant of the assembly, the delinquents given up to them, were summoned before their respective committees; all who appeared were allowed to plead their own defence as strongly as they pleased; those of them who, in the judgment of charity, gave evidence of real penitence for their misdemeanours were received; and such as remained obstinate in their scandals were deposed, how justly, the report of these committees to the next assembly will clear: And, *on the other hand*, they failed not to vindicate and defend themselves by such means and methods as were competent and warrantable for them; for deputies having, about the middle of *February*, been sent to *Edinburgh*, from all estates of men in the several parts of the kingdom, they knowing that the success of the war depended upon the assistance which the *English* should freely give the king, and not upon the aid he should extort by virtue of his prerogative, they were careful to clear themselves of rebellion against the king, or of any intention of an offensive war. And for that purpose they published a paper, intitled, *An information to all good christians within the kingdom of England, for vindicating their intentions and actions from*
the

The Scots
inform
the Eng-
lish of
their de-
signs.

the unjust calumnies of their enemies : In which 1639. they take God to witness, that religion was the only subject, conscience the motive, and reformation the aim of their designs ; that they had never the least intention to cast off their dutiful obedience to his majesty's lawful authority, and they clear themselves of that vile calumny of intending to invade *England*, or molest that brotherly nation, unless obliged to it in their own defence. This short piece bearing date the 4th of *February*, and supposed to have been chiefly penned by the old laird of *Durie*, did them good service, and satisfied the minds of many of the *English* nation, of the uprightness of their intentions.

The excommunicated bishops, and their friends in *England*, being galled with the credit given to the above information, they moved the king to make a counter-declaration ; and accordingly, his majesty issued *A proclamation and declaration, to inform the kingdom of England of the seditious practices of some in Scotland, seeking to overthrow his regal power, under the false pretence of religion ;* which paper, printed by itself, and to be found in *Rushworth's Collections*, vol. II. p. 830. was published by his majesty's order in all the parish-churches in *England*, and therein our reformers were declared as foul traitors and rebels as ever breathed.

The king declares the Scots rebels, Ibid. p. 751, &c.

But the Scots lost nothing by that injurious dealing ; for, on a sudden, Mr. *Henderson*, by order of the deputies, did draw up a paper, intituled, *The remonstrance of the nobility, barons, burgessees, ministers, and commons, within the kingdom of Scotland, vindicating them and their proceedings* and they remonstrated against it. Ibid.

1639. *ceedings, from the crimes wherewith they are charged by the late proclamation in England, February 27. 1639.* Which paper was revised and approved by the deputies; and the same having been published, and industriously spread by their friends over all *England*, they began to be much more pitied than before; and their enraged party, the bishops, and their accomplices, to be the more detested.

Mr.
Baillie's
scruples
against
the war
cleared,
Collect.

p. 530,
752.

Our next care, (saith Mr. *Baillie*) was to have all our minds cleared of the lawfulness of our defence; no man doubted more of this than myself, yea, at my subscribing of the covenant I did not dissemble my contrary sentiments; for I had, in my youth, drunk in from Dr. *Cameron* that slavish tenet, that all resistance to the supreme magistrate, in any case, was simply unlawful; but, having set myself to diligent reading and prayer for light in that question, which the times required peremptorily to be determined without delay, I found many doubts loosed, especially by *Bilson*, *de subjectione*; where he defends the practice of all *Europe*, *Germany*, *Spain*, *France*, *Flanders*, *England*, *Scotland*, *Denmark* and *Sweden*, who at several times, and for sundry causes, opposed their princes. *Grötius* also and *Rivet* have contributed to my solution; and I am somewhat confirmed by the last duply of the doctors at *Aberdeen*: They will have us to believe, that tho' our whole estates were to be killed in a day, or led to *Constantinople* to be spoiled of liberty, goods, religion, and every thing valuable; yet we may make no resistance; but their conclusion is so horrible, and their proof so weak,

not.

notwithstanding all their learning and diligence, that I love their cause much worse than I did. I see the reformers of our church are all to the contrary, *Luther, Melancthon, Bucer, Martyre, Beza, Abbots, and Whittaker*, do also allow subjects to defend themselves in some cases, as when the prince is absolute, and turns an enemy to the laws of church and state, to which he is sworn.

The earl of *Cassilis* having drunk of the same fountain, did, for a time, obstinately refuse to join in any course tending to a forcible resistance of the sovereign, and thereby gave great offence to many; nothing was more discouraging to others than that noble lord's withdrawing from the rest out of mere conscience; yet, at length, our author being recovered, he was by God's Grace the mean of reclaiming *Cassilis* likewise; and his lordship became as forward in the defence of his country, as any of his neighbours.

Upon this question several papers were written and spread abroad, some of which were not void of scandal; and, for a remedy against this inconveniency, it was laid on *Mr. Henderson* to draw up one for publick view: This he did somewhat against his inclination, and more quickly than his custom was, and therefore it fell short of his wonted accuracy, yet it was read out of many pulpits: And as the same affording both a distinct state of the grounds of that war, and reasons for a defensive war, had considerable influence with the people, and yet was never printed that I know; the reader will probably welcome the following copy of the same.

1639.

The
question
stated,
with re-
spect to
the
grounds
of the
war,
Baillie,
p. 533.

INSTRUCTIONS for DEFENSIVE ARMS.

THE times require that the points following be pressed upon the people, both by the preachers in publick, and by intelligent and well-affected professors in private.

I. Because our chiefest adversaries, who are enemies to the gospel of CHRIST, to the salvation of the people's souls, and to the peace of the kirk and kingdom, have, from the beginning, advanced their ungodly and antichristian course, by lies and persecution, by craft and cruelty, which have been their most subtle and strongest arguments; and now when by excommunication they that are given over unto Satan, who hath been a liar and a murderer from the beginning, have put away all conscience, countenance, and natural affection to their country, the people would be dealt with, that their fraudulent lies and crafty devices be not believed, nor their force and threatened violence be feared by the people of GOD, remembering their hellish maxim ———

Flectere si nequeo superos, Acherontā movebo.

II. That unity be earnestly recommended, as that which strengtheneth the cause, and which being fast holden with verity will make us invincible; and, on the contrary, that division is by all means to be avoided, as that which from the beginning has been principally intended, and many ways sought for by our enemies, and which once having place will bring us to certain ruin, and make us of all people most contemptible and miserable, exposing ourselves, and our posterity to the wrath of GOD, for our perfidious dealing in his covenant, to the merciless cruelty of our enemies, to be a hissing and rebroach to all nations about us, and to be a grief to all the godly, who have continued in their prayers and praises to GOD for us all the time past.

III. That it be frequently remembered, how the finger and power of GOD, and the love and mercy of GOD by many admirable evidences, hath been manifested in this great work of reformation; and how the LORD, either by blowing upon all the devices of our enemies, or by turning them back upon themselves, hath turned
all

all their wisdom into foolishness, that we may have confidence for the time to come, believing and saying, with the prophet, *Isa. xxvi. 12. Lord thou wilt ordain peace for us; for thou also hast wrought all our works for us.*

IV. That the people of God be not troubled; when they hear of wars or rumours of wars; and that they neither be afraid of shadows, deceived with promises, nor moved with remonstrances were they never so specious; but that they denounce war against their own sins as their greatest enemies, and submit themselves obediently to follow their leaders, whom God at this time hath raised up, and furnished largely with counsel and courage, for the good of this kirk and kingdom.

V. That it be remembered, what hath been our manifold defection in discipline, sacraments, worship, and doctrine, through the want of lawful national assemblies, and through the usurpation of the prelates, these many years past; and that a greater mercy could not be shewed to this land than a free and full national assembly, such as that which was indicted by his majesty, and holden at *Glasgow*, ridding this kirk of the prelates, the authors and executioners of all our woes: That they may be earnest in their prayers with God, that as he hath been pleased to set up our reformation again with an outstretched hand, he may be graciously pleased to uphold his own work, and make the king's majesty a nursing-father to the kirk in this land.

VI. That ministers and professors acquaint themselves with the acts of the assembly, especially that against episcopacy, with the protestation, and with the answers to the declaration made by the lord commissioner, and the declinature of the assembly by the bishops; that from these they may be able promptly, both to answer the objections of the adversaries, and to remove scruples at the work; and that, where need is, both the information for *England*, and the last supplication, be read in publick, that the commons may see how falsely we are traduced, and how reasonable our desires are.

VII. That the state of the question, at this time, betwixt the king and his kingdom, be cleared to the people, that all men may know how unjustly we are invaded, and how just and necessary our defence shall be. The question is not, Whether we shall honour the king? for we acknowledge him to be God's deputy and

1639. *vicegerent*; or, Whether we ought to obey the king?
 for God hath given him power and authority to command and govern; or, Whether we ought to render unto *Cæsar* that which is *Cæsar's*, for that we desire to do most chearfully; or, Whether we ought to fear the king, for he is set over us to do justice; and we ought not only to fear him, but also to be afraid lest any hurt should come to him, as the people were afraid of *David*, 2 *Sam.* xviii. 3. Here is the question, Whether honour should be given to evil and wicked superiors in an evil thing? For as our adversaries, by moving such questions at this time, under pretext of duty, do wrong and dishonour the king's gracious majesty, so we profess in the general, that the wickedness of man cannot make void God's ordinance; and therefore, altho' we had superiors wicked in themselves, yet obedience and honour is to be given to them, as being set up of God as it were in his wrath, *Hof.* xiii. 11. *Jer.* xxvii. Neither is this the question, Whether we owe absolute obedience to wicked magistrates? for our adversaries, whatever be their judgment and practice, do not affirm, that *in malo malis ad malum est obediendum*, that we must obey an evil man in an evil thing; but that kings are to be obeyed, so far as their commandments are not contrary to God's commandments; and if God command one thing, and they command the contrary, in this case it is better to obey God than man, *Acts* iv. 19. Neither is the question about the invasion of the king, or any of his kingdom, (which is the despicable calumny of the declared enemies of this kirk and kingdom), against which our consciences, and all our actions, are witnesses, as is at large expressed in our *Information for England*. But the question is merely and simply about our own defence and safety. And in this also we would put a difference between the king resident in the kingdom, opening his ears to both parties, and rightly informed; and the king far from us, in another kingdom, hearing the one party, and misinformed by our adversaries in the other; — between the king as king, proceeding royally according to the laws of the kingdom against rebels; and the king as a man, coming down from his throne, (at the foot whereof the humble supplications of the subjects do yet lie unanswered), and marching furiously against his loyal and well-disposed people; — between a king who is a stranger to religion,

ligion, and tied no further but according to his own pleasure to the professors of religion living within his dominions; and our king, professing with us the same religion, and obliged by his father's deed, and his own oath, to defend us his own subjects, our lives, religion, liberties, and laws.—Again, difference would be put between some private persons taking arms for resistance, and inferior magistrates, counsellors, nobles, peers of the land, parliament-men, barons, burgeses, and the whole body of the kingdom (except some few courtiers, statesmen, papists, and popishly-affected, and their adherents) standing to their own defence;—betwixt subjects rising, or standing out against law and reason, that they may be freed from the yoke of their obedience; and a people holding fast their allegiance to their sovereign, and in all humility supplicating for religion and justice;—between a people labouring by arms to introduce innovations in religion contrary to the laws, and a people seeking nothing so much as against all innovations, to have the same religion ratified which hath been professed since the reformation, and hath not only been solemnly sworn long since by the king's majesty and the whole kingdom, both of old and of late, but also commanded by the king's majesty to be sworn by his counsellors and all the people as it was professed at first;—between a people pleading for their own fancies or inventions, and a people suspending their judgment and practice about things controverted, till they should be determined by a national assembly, the only proper and competent judicatory; and after determination receiving and standing by the acts of the assembly.—The question then is, Whether in this case, and matters so standing betwixt the king and the kingdom, a defensive war be lawful? or, Whether the people ought to defend themselves against extreme violence and oppression, bringing utter ruin and desolation on the kirk and kingdom, upon themselves and their posterity?

That it is lawful for us to take arms for our defence against such unjust violence, is manifest,

1. From the unreasonableness and absurdity of such court-parasites as, for their own base ends, maintain the absolute sovereignty and unlimited authority of princes, to the great hurt both of princes and people, by loosing all the bonds of civil society; that

Reasons
for a de-
fensive
war,
Ibid.

P. 539.
against

1639. *W* against the strongest bonds of oaths and laws, may do what they please, to the ruin of religion, the kirk, the kingdom, the lives and liberties of some, or of all the subjects; and that the people shall do nothing, but either flee, which is impossible, or suffer themselves to be massacred, and cut to pieces.

2. From that line and order of subordination wherein both magistrates and people are placed. The magistrate is placed under God the great Superior; and the subjects are placed under God the GREAT, and under the magistrate the LESS superior: When the magistrate commandeth contrary to God, and goeth out of his order and line, especially so far as to invade by arms if they obey not, the subjects keeping their own line and order, and defending themselves, is no disobedience to the magistrate; but obedience to God, who in this point, so long as the magistrate walketh in this course, becometh their immediate superior; and as under the magistrate they ought to defend themselves against all violence from without, so in this abuse of God's ordinance, from all violence from within; otherwise they sin against God and their own souls. An inferior officer ought to keep his own station in the army, even when his captain goes out of his line and order, and taketh part with his enemy; and in this case he is bound no less than when he was under his general, to fight for himself, and for the safety of the whole army against him. It were against sense and reason to say, that he must give his neck to the sword of his captain, without regard to his general, the whole army, and his own life; yea, every soldier ought to defend the whole army against the general himself, if he turn an enemy.

3. From Rom. xiii. 1. *Let every soul be subject unto the higher powers. Whosoever resisteth the power, resisteth the ordinance of God. Rulers are not a terror to good works, but to the evil:--He is the minister of God for good, wherefore we must needs be subject, not only for wrath, but also for conscience sake.* But, on the contrary, tyranny and unjust violence is not the ordinance of God; He that resisteth it, resisteth not the ordinance of God. Such rulers are a terror to good works, not to evil; they are not the ministers of God for our good; neither in this can we be subject to them for conscience sake. The whole course of the apostle's argument runneth against the resistance of lawful power commanding things good and lawful. We must either acknowledge

acknowledge tyranny to be the ordinance of God, and for our good, or exclude it from the apostle's argument, admitting the resistance thereof to be lawful, at least by the shield for defence, if not by the sword for invasion. 1639.

4. From the end of magistracy. The Lord hath ordained magistrates to be his ministers for the good of his people and their defence; whence have proceeded these common principles of policy, *Princes principally are for the people and their defence, and not the people principally for them. The safety and good of the people is the supreme law.* Magistracy is the inferior and subordinate law. The people make the magistrate, but the magistrate maketh not the people. The people may be without the magistrate, for the world was governed in another way, till *Cain*, building a city, made the godly first take this order for their defence; but the magistrate cannot be without the people. The body of the magistrate is mortal; but the people as a society is immortal. And therefore it were a direct overturning of all the foundations of policy and government, to prefer subjection to the prince, to the preservation of the commonwealth; or to expose the publick, wherein every man's person, family, and private estate are contained, to be a prey to the fury of the prince, rather than by all our power to defend and preserve the commonwealth.

5. From the covenant betwixt the people and God. For the people and the magistrate are jointly bound in covenant with God, for observing and preserving the commandments of the first and second table; as may be seen in the books of *Samuel*, *Kings*, and *Chronicles*. As the fault of the people will not excuse the magistrate's negligence; so the fault of the king will not excuse the people, if they resist not his violence, pressing them against the covenant of God. This argument is strongly pressed by sound and religious politicians.

6. From the subordination of powers appointed by God. The same law and order that appointeth to obey the supreme magistrate rather than his deputy and inferior, appointeth us all to obey God rather than man; and that same law and order that biddeth us defend the supreme magistrate against the unjust invasion of his deputy and inferior, commandeth us also to defend God's right, and to preserve the people's peace against the unjust invasion of the supreme magistrate, who can be

1639. be thought no less subordinate to God than his vicegerent or inferior is to him.

7. If a private man be found by the law of nature intitled to defend himself *cum moderamine inculpatæ tutelæ*, against the prince or judge as a private man, invading him by violence, and not pursuing him judicially, and by order of law, and may repel violence by violence; if a chaste woman may defend her own body, that it be not defiled by the adulterer, were his place never so great; if children may resist the violent invasion of their parents against themselves, their mother, or the family, notwithstanding the strait obligation betwixt parents and children; if servants may hold the hands of their masters seeking to kill them in a rage; if the mariners and passengers may save themselves by resisting him, who sitting at the helm would drive the ship against a rock, or by hindering the prince himself, not only by supplication of mouth, but by the strength of hand, to govern the ship to their certain shipwreck; then much more may the whole body defend themselves against all invasions whatsoever.

8. From examples in scripture, as 1 Sam. xiv. 45. 2 Ch. xxvi. 17. + 20. 2 Kin. 1. and 1 Sam. xxviii. where David hath 600 men for his defence, and would have kept Keilah against the king, neither himself nor the high-priest doubting of the lawfulness thereof, only suspecting the treachery of the Keilites; and from the example of the reformed kirks in France, Germany, the Low-countries, and that of our own reformers.

9. From the testimonies not only of popish writers, but of divines of the reformed churches, even such as be strong pleaders for monarchy; (neither is Calvin against us, but for us); and from the testimonies of the most judicious lawyers and learned men, who have written *contra monarchimachos*.

10. From the mutual contract between the king and the people; as may be seen in the acts of parliament, and order of the coronation.

11. From acts of parliament, ratifying the authority of the three estates, and from our own ecclesiastical and civil history.

12. From our covenant lately sworn and subscribed, binding us to defend the king's majesty's person, in defence of the true religion, and to defend the true religion against all persons whatsoever.

Obj.

‘*Obj.* It is objected, That altho’ upon the former and the like reasons, it cannot be denied but it must be lawful in some cases for subjects to defend themselves by arms against the unjust invasion or oppression of the magistrate; yet the matters presently debated betwixt the king and his people, are neither fundamental in religion, nor of that importance that we should enter into a bloody war, which bringeth with it so many certain evils, and whereof the event is so uncertain.

‘*Ans.* 1. No matter of religion hath so great weight in the minds of worldly men, that they will hazard their worldly estate for any thing of that kind. *Gallio careth for none of these things. Festus saith; that the Jews had certain questions against Paul of their own superstition, and of one Jesus who was dead, whom Paul affirmed to be alive. If we receive him, the Romans will come and destroy our place and our city, hath been a prevailing maxim in policy.*

‘2. The greatest questions in religion carry sometimes a very small shew: Witness the words *ἑμμεσίος* and *ἑμμεσίος*, in and *διὰ θεοτοχός* and *θεοδοχός*, where the difference did stand betwixt the hereticks and orthodox of old; *electi, nomen;* and *electi, participium:* *pro* signifying *vice*, and signifying *in bonum*; which doth contain the difference betwixt us and the *Arminians* of late. Matters controverted may be small in appearance, but great in substance.

‘3. There is a great mistaking about matters fundamental in religion: for if we call that fundamental the knowledge whereof is necessary for salvation, a point may be fundamental and necessary to be known at one time, or in one kirk, which at another time, and in another kirk, is not thus necessary; for altho’ the foundation be necessary for the edification of every soul, yet of things fundamental and necessary to salvation, we must judge according to the different degrees and measures of revelation.

‘4. There is also a mistaking about the smallest matters of religion: for ignorance of some points is simple, and in other matters sinful; so obstinacy in resisting the light, and following darkness rather than the known light in the smallest matters, bringeth certain condemnation. It was too audaciously enacted by the council of *Constance*, *non obstante Christi institutione.* The kirk of *Scotland* having, from the certain knowledge of the
unlaw,

1639.

1639

unlawfulness of episcopal government, (were it of never so little moment), abjured it divers times, and spewed it out, we must not return to our vomit.

5. Tho' the question were about the name of a bishop to be retained in this kirk, as the crafty, without any warrant from authority, give out, and the simple believe; yet were it most important: for the question must be taken either of the naked name, which no man is either so silly or so uncharitable to imagine, since we acknowledge it to be common to all the ministers of the gospel; or the question is, about the place and office signified by the name, which is to be a pastor without a particular flock, to be a pastor of pastors, and of all the flocks in the whole diocese, to have the authority of ordination and jurisdiction, to be a lord of parliament, counsel, convention, exchequer, and session, which either the bishops must be, or, as themselves affirm, they cannot serve the king's turn. He is willingly blinded who seeth not how material this is: for, beside the sin in the office itself, it bringeth with it the ruin of all religion, by denuding the city of all her walls, and the vineyard of her hedges. It is either ignorance or deceit to speak of caveats: for if the office be of divine institution, why should it be limited more than any other office, or further than the word of God does require? and if it be an human invention, it ought to be rejected as a presumptuous usurpation upon the kingdom of CHRIST, in appointing the chiefest office-bearer of his house, without warrant from himself; and an intolerable derogation to his full and perfect wisdom, as if he had not furnished his house with offices and office-bearers, but left them to the determination of the wisdom of man, which, not only in the mystery of godliness, but in the matters of ecclesiastical government, is enmity against the wisdom of God. We have already had experience of caveats; and now to hazard shipwreck the second time, by making such pilots again to be ours, were desperate madness.

6. The proclamation tells us, that there are other matters of difference than episcopacy. And,

Lastly, The question is now, Whether we shall have a free national kirk, or any other religion hereafter, but such as is commanded by arms, the only medium and argument now used for that which is intended; and whether we shall any longer enjoy our civil liberty? for

if

‘ If base slaves be advanced to honour, they will labour
 ‘ to please the corrupt humour of such as advanced
 ‘ them ; the creatures must serve their maker ; the time
 ‘ was when the pope was master, and then they served
 ‘ him, this time past they have been agents of popery ;
 ‘ and as they have given lamentable proof that they too
 ‘ well know the way to *Rome*, so we may look no less
 ‘ than that being ready advanced, they shall carry home
 ‘ again both prince and people to their old master ; ex-
 ‘ cept we stand fast to our liberty we can look for no-
 ‘ thing but miserable and perpetual slavery.’

Our reformers having, with diligence, in-
 formed the *English*, and made sure the courage
 of their friends at home, they did next take
 course for making a real opposition to their
 enemies. It was debated if any help should
 be sought from foreigners, and it was expect-
 ed, that the *French* king, with the queen of
Sweden, and the *Dutch*, would have been rea-
 dy to befriend them ; but a confederacy
 with *Lutherans*, and much more with papists,
 was by many reckoned a leaning to the rotten
 reed of *Egypt*, and they hoped, by God’s assist-
 ance, to make good their plea without such help ;
 and therefore, the furthest that was resolved
 on was, to send over Mr. *Colvil*, a gentleman
 of *Fife*, with a letter from the nobles to the
French king, and another to the *States*, and to
 the prince of *Orange* in his way, to interceed
 with their sovereign king *Charles*, that he
 might be pleased to hear their supplications ;
 and the laird of *Meldrum* with other two letters,
 one to the queen of *Sweden*, and another to
 the king of *Denmark*, in his way, for the same
 purpose ; but though copies of some of these
 were made out, and that to the king of *France*
 became afterwards a bane of contention be-

A moti-
 on for
 foreign
 aid over-
 ruled,
Baillie.
 P. 754.

1639. *twixt king Charles and them, and was like to*
 ~~~~~ have been the occasion of a violent death to  
 the noble lord *Lowdown*, as may be shewed at  
 more length in its own place, yet this neces-  
 sary resolution was never prosecuted further,  
 which proved a considerable loss to them; for  
 king *Charles* failed not, by his ministers, to  
 point them out, amongst foreign princes, as  
 desperate rebels; and tho' the *Swedes* and  
*Dutch* were more in our interest than to give  
 ready credit to those calumnies, yet others  
 took them for granted; and the king of *Den-*  
*mark* seized arms which some were bringing  
 to *Scotland*, and did otherwise break thro' the  
 laws of friendship with them, which he after-  
 wards repented, when he heard by the lord  
*Cochrane* the true state of their affairs.

And an  
 order for  
 raising  
 forces at  
 home a-  
 greed to,  
*Ibid.* p.  
 755.

But the less design the reformers had to so-  
 licit foreign aid, their diligence was the great-  
 er to make use of instruments at home; and  
 so the deputies having convened in a full  
 meeting at *Edinburgh* the 7th of *March*, they  
 chused a committee of the nobles, barons and  
 burgesses, with two of the senators of the col-  
 lege of justice, making twenty six in all,  
 whereof thirteen to be a quorum, to attend at  
*Edinburgh* for giving out orders, and receiving  
 intelligence, &c. and appointed that there should  
 be a committee in every shire for raising for-  
 ces, and providing arms and money; that a  
 regiment of 2000 foot should be raised with  
 diligence in the country on the South of *Tay*,  
 under colonel *Monro's* command, to be a se-  
 minary for training the rest of the country,  
 and be ready either for stopping any incursion  
 from *England*, or commotion amongst them-  
 selves,

selves; and, for their pay, the nobles borrowed 1639. from Mr. *William Dick* of *Priestfield* 200,000 merks, and gave their joint bond for that sum, till money could be otherwise raised; and it was agreed that 400 more should be raised within the shire of *Argyll*, which their noble lord undertook to maintain on his own expence.

In that meeting it was much agitated, whether it were expedient to seize on the places and persons amongst them, wherein the great confidence of their enemies was placed; and it was not doubted that this would contribute for their safety, but they made much doubt of the lawfulness of beginning the course of violence; and in end they agreed to attempt nothing of that sort till their affairs were more desperate, only to be busy in preparing for the worst against its coming.

Their greatest want was of proper officers and arms; but good general *Leslie*, who sat constantly with the general committee, and was very assisting to them with his advice, supplied these defects, by calling home our *Scots* gentlemen, who served under him in *Germany*, and writing to *Holland*, *Sweden*, and *Hamburg*, &c. for powder, muskets, pikes, and cannon, which were sent in great abundance before the king's fleet were got ready for guarding the coast.

In prosecution of the same purpose, the earl of *Argyll* contributed much by his wisdom and diligence, to preserve the peace of the *North*, and of the *Highlands* and *Islands*. At his call the noblemen and gentlemen of the north convened at *Perth*, and concerted measures for preserving the peace as far north as *Sutherland*:

To

Amotion for seizing the king's castles deferred, Ibid. p. 756.

Want of officers supplied, Ibid.

*Argyll* appoints a meeting at *Perth* for preserving peace in the north, Ibid. p. 757.

1639. To this meeting his lordship invited *Huntly* his brother in law, for whom especially it was intended, but that nobleman was too much imbarqued with the bishops to concur in any such design, so he met not with them; and from that meeting *Argyll* went to *Lorn*, and took security of the *Macdonalds* and other clans supposed to be disaffected, that they should live peaceably: In like manner being provoked to it by *Strafford* the lord deputy of *Ireland*, he justified his country's cause and conduct, in several letters to that acute man; and being called up to court, his lordship by his answer to the king, and his letters to some chief courtiers, excused his absence, by the necessity of his attending his father's funerals, and putting in order his own secular affairs; and at the same time, he gave a bold and true account of the proceedings of the assembly: This his freedom was not, it seems, taken in good part, for his servant who went to *England* with his express, was searched for his letters, and he was commanded either to go to court and answer for his miscarriages, or to go to ward in some of his own houses in *Argyllshire*; but he excused his disobedience to these very unreasonable commands, by the extream danger of his country, and of the king's interest there, which might suffer by his absence.

Takes  
security  
of the  
disaffected  
clans,  
and justifies his  
country's  
cause.  
Ibid.

but is  
ordered  
to go to  
ward.

The sad  
posture  
Scotland  
was in  
at this  
time,  
Ibid.

P. 758.

By this time the clouds began to gather very thick, our merchants, mariners and travellers in *England* and *Ireland*, were every where used as rebels; their goods seized, and themselves made prisoners, unless they would disclaim the covenant and the assembly at *Glasgow*; the *English* troops were gathering fast about *York*, the *Scottish*



*ish* Courtiers were sent home, both to strength- 1639.  
en the king's party here, and to cut off the  
opportunities of intelligence, which their coun-  
try-men obtained thro' several of their hands.  
The marquis of *Huntly* and the town of *Aber-*  
*deen* got home a ship with warlike ammunition,  
their streets were chained, and cannon placed  
for clearing all the roads and avenues leading  
to their city, and the friends of the *Reforma-*  
*tion* amongst them were much threatned. The  
earls of *Airly* and *Southesk* began also to arm  
for the king. In the *South* the papists were lift-  
ing up the head; the lords *Nithsdale* and *Her-*  
*ries* with their followers, and a party of the  
*English* forces from *Carlisle*, were expected to  
have joined with the marquis of *Douglas*, who  
might have joined hands with the marquis of  
*Hamilton's* followers; the town of *Glasgow*  
thro' the perverseness of some, and the mar-  
quis his influence over them, was much doubt-  
ed; the earls of *Galloway*, *Dumfreis* and *Queen-*  
*berry*, with the viscount of *Dalziel*, *Traquair* the  
treasurer, and *Roxburgh* the privy-seal, were  
suspected of too much willingness to join the  
opposition, *Antrim's* boats were making ready  
on the *Irish* shore, Sir *Donald Gorrum* and others  
of the *MacDonalds* got over to *Ireland* to take  
part with *Antrim*, in hopes of recovering *Kin-*  
*tyre*, which they claimed as their ancestors pa-  
trimony, and were glad to see the day when,  
with the king's good will, they might avenge  
themselves on the *Campbells*: The constable of  
the castle of *Edinburgh* was taken, sworn a-  
new to be true to the king, and to the marquis  
of *Hamilton* as his commissioner; captain *Stew-*  
*art* was sent from court to receive the com-  
mand

1639. *mand of Dumbarton castle, where the king's ships were expected to lay up ammunition, and bring in a garrison which might easily have infested all that country. The king and his forces were on their way toward Scotland, and Hamilton was left to hasten the navy for the coasts of Lothian and Fife: In a word, all was so prepared for the overthrow of the Scots on every quarter, that the bishops and their friends perswaded the king of victory without stroke of sword.*

The  
Scots by  
a strong  
faith o-  
verlook-  
ed all  
danger,  
Ibid.  
p. 760.

‘Certainly (says Mr. Baillie) our dangers were greater than we might let our people conceive; but the truth is, we lived by faith in GOD, we knew the goodness of our cause, and we were resolved to stand to it on all hazards whatsoever, knowing the worst to be a glorious death for the cause of GOD and our dear country.’

And  
provide  
for the  
worst,  
Ibid.  
p. 806.

Accordingly, to piety they added diligence. The general committee ordered, 1. That every fourth man should be levied. 2. That there should be a committee in every shire, to consult upon all matters concerning the defence thereof, and for providing all necessary instruments of war. 3. That in the choice of commanders, no man have respect to his or others pleasure or pre-eminence, but chuse the best experienced gentlemen, and that all submit voluntary to this order. 4. That every company should consist of 100 men, whereof 40 to be pike-men, and the rest musqueteers. 5. That all commanders yet untrained, be careful to learn the discipline, and that the men be first taught to exercise in companies, and next in greater numbers, according to the rules of the

*Swedish*

*Swedish* discipline. 6. That no shire might want advertisement, it was thought fit, that beacons should be set up in all eminent places of the country, that so any danger that appeared at sea, might be made known by the beacons running along the country; which beacons were a long and strong tree set up, with a long iron pole a-cross the head of it, carrying on it an iron grate for holding a fire, and an iron brander fixed on a stalk in the middle of it, for holding a tar-barrel; and the manner of advertisement was thus: The first fire was upon the ground beside the beacon, on the sight whereof all were to provide themselves to stand to their arms, and set out watches to advertise others: The next advertisement was by two fires, the one on the ground, and the other in the large-grate, on the sight whereof all were to come out, first to the rendezvouz of their company, and then of their regiment; and if the danger was imminent, to the two former signs were added that of the burning tar-barrel: And lest thro' rain or mist, or the people being at rest, these beacons should prove abortive of the end designed, the next adjacent gentlemen were to warn all betwixt that and the next beacon, going out one way and coming in another. 7. That the burghs of each county join with their county, allowing to chief burghs the choice of their own officers, which might consist partly of burgessees intermixed with gentlemen. 8. That counties or burghs, having plenty of warlike stores, furnish others worse provided. 9. That all expert smiths be set to making muskets, carabines, pole-axes, Lochaber-axes and halberts. 10. That



1639. 10. That the fittest arms for horsemen, in respect of the weakness of the horses, are jacks, steel-bonnets, plate-sleeves and launces. 11. It was thought expedient, that there should be a magazine in each shire. And, 12. That boroughs provide abundance of iron.

Com-  
man-  
ders  
chosen,  
Ibid.  
P. 760.

In consequence of these instructions, the noblemen and chief gentlemen were nominated commanders; and because many of them were not expert in war, general *Leslie* distributed his brave officers amongst the shires, where they were made lieutenants, or ensigns, as there was need of them. All who could bear arms were put to exercising them, and every one, women as well as men, encouraged their neighbours; and frequent humiliations, both publick and private, were observed before God, in whom was their only trust.

' We in *Ayrshire* (says Mr. *Baillie*) had first  
' sent out a double company, with their officers,  
' under the command of the lord *Montgomery*,  
' who both for his birth and military skill was put  
' next in place to *Monro*: and now, when all were  
' ordained to send out the fourth man, we, according  
' to the common undervaluing which was in the country,  
' sent out 1200 horse and foot, under the command  
' of the earl of *Lowdown*, with Mr. *David Dickson*  
' as their minister. *Eglinton* being sheriff of *Renfrew*,  
' that county made choice of lord *Montgomery*  
' for their colonel. *Glydesdale* being so much under  
' the influence of the marquis of *Hamilton* and *Douglas*  
' were suspected: Wherefore the general committee  
' thought fit they should be divided as follows, viz. the  
' highest quarter about *Lanerk* were joined to  
' lord

‘ lord *Fleming*’s regiment: the next quarter 1639.  
 ‘ about *Evandale* and *Lesmabego* were joined to  
 ‘ lord *Lowdoun*’s regiment: the quarter about  
 ‘ *Hamilton* and *Monkland* were joined to lord  
 ‘ *Boyd*’s regiment: and the town of *Glasgow*,  
 ‘ and the north quarter of *Clydesdale* were  
 ‘ joined to *Renfrew*, which accession with a  
 ‘ part of *Cunninghame*, to lord *Montgomerie*, made  
 ‘ his regiment among the strongest; and the  
 ‘ piety, and military discipline of his people,  
 ‘ were commended above all the rest, even  
 ‘ publickly from the pulpits; yea none did  
 ‘ doubt, that of all our army those of the *West*  
 ‘ in general were the most praise-worthy;  
 ‘ they came out most chearfully, and in the  
 ‘ greatest numbers; they made most con-  
 ‘ science of the cause; their behaviour was an  
 ‘ example to others, and the fear of them  
 ‘ made others stand in awe, who sometimes  
 ‘ were nigh turning mutinous.’

The general committee thought fit also to take a note of the names, disposition and strength of all who had not joined in the covenant, that they might take their measures accordingly. In like manner, as hostilities were now commenced against them, they appointed that in one day the castles of *Edinburgh* and *Dumbarton*, with the houses of their chief adversaries should be attacked; that the earl of *Montrose*, after advising with the general, and taking the assistance of some of his officers, should march north with the forces of *Fife*, *Perth*, *Angus* and *Mearns*, and take order with the marquis of *Huntly* and the town of *Aberdeen*. That *Argyll* should set strong guards on his coasts; and that *Leith* should be

The  
strengths  
of the  
nation  
adverted  
to.  
Ibid.

1639. fortified : in all which it pleased God to give them extraordinary success.

The  
castle of  
*Edin-  
burgh*  
taken,  
Ibid. p.  
760.

On the evening of the 23d of *March* general *Leslie*, with the nobles in town, went up quietly to the gate of the castle of *Edinburgh*, supported by the town companies in arms, and parlied a little with the depute-governor to no purpose ; but on a sudden the outer gate was pittarded and blown up ; axes and hammers were next applied to the inner-gate ; but these not succeeding, scaling ladders were quickly applied, and the assailants went in, sword in hand, but met with no provocation to use them ; for the garrison within were so struck with amazement at the suddenness of so improbable like an attempt, that none of them had the courage to draw a sword ; and in about half an hour that strong place was gained without the effusion of so much as a drop of blood, to the great mortification of the governor, who was suffered to retreat to the king. That night the general and nobles supped in the castle ; and having the next day surveyed the whole, his excellency and colonel *Hamilton* gave their opinion for repairing the old fortifications, and adding several new ones, which were done at a great expence.

*Dumbar-  
ton* castle  
taken,  
Ibid. p.  
761.

This great mercy was followed with the taking of the strong rock of *Dumbarion*, a place equally impregnable : Sir *William Stuart* the governor was a man of great vigilance, and had provided the same well with men, ammunition and victuals ; yet God put it also into their hands without stroke of sword. That day being a day of publick humiliation in the burgh of *Dumbarton*, which lies near half a mile from the



the castle, the governor foreseeing no danger, 1639. nor suspecting any thing that came to pass, had gone thither to attend publick worship, accompanied by many of the garrison; but, to his great surprize and disappointment, as they were returning home, they were made prisoners by Mr. *John Semple* the provost, and the laird of *Ardincaple*, with their followers; and the rest of the garrison, being few in number, and without a commander, thought fit, after a night's siege, to render that strong fort; and the same was committed in trust to the earl of *Argyll*, who took care to man and victual it sufficiently.

*Stirling-castle* being in the hand of the earl of *Mar*, who was a sure friend to the reformers, they touched it not; but the castle of *Dal-*  
*keith*, at that time one of the king's houses, was scaled in *Traquair's* sight, and the ammunition seized, which his lordship had carried thither last year; and there also were found the crown, sceptre and sword, which *Traquair* had brought thither at his own hand. These the nobles carried thence with all reverence, and lodged in the castle of *Edinburgh*, where they used to ly, and the keys of the apartment were offered back to the treasurer.

The earl of *Lowdown*, and the lords *Mont-*  
*gomerie*, *Fleming* and *Boyd*, with the knights of *Cunninghamehead* and *Blair*, gave also a good specimen of their diligence; for having convened a number of their friends and followers, they went as quietly as they could, and took in the castle of *Strathaven*, belonging to the marquis of *Hamilton*, and took security of all

The house of *Dalkeith* seized on, Ibid.

*Strathaven* castle taken, Ibid.

1639 all the gentlemen in *Clydesdale* whom they suspected; and, having succeeded so well there, they went next to the castle of *Douglas*, where they laid their account with blows, and were afraid the house being strong, lest they had been repulsed with loss; but ere ever they came up to it, the marquis's courage failed him, so he fled, with all his might, and ceded the possession to the assailants, which they fortified and made a garrison of. Bishop *Burnet* adds, that they also took in, and made a garrison of the marquis's house of *Tentallon*.

*Douglas*  
also;

and *Ten-*  
*tallon*,  
Mem.  
p. 115.

*Carlave-*  
*rock* mis-  
kent,  
Ibid.  
p. 762.

In the south, lord *Johnston* attacked the castle of *Carlaverock*, but had not the like success; the house was strong and well supplied, and lay too near the *English* for being relieved; so after this faint attempt his lordship did misken the same; yet, to repair that repulse, these noblemen and gentlemen went to *Dumfries*, and seized on all the houses of such as were not friends to the cause; so that all of them either joined in the covenant or fled to *England*. But to go a little farther west,

*Argyll*  
aug-  
ments  
his  
troops  
to 900.

*Argyll* increased his forces to about 900, who were all well armed alert fellows, one half of whom he set on *Kintyre* to wait on *Antrim's* designs, and the rest about the head of *Lorn*, to attend the motions of the inhabitants of *Lochaber* and the *Western Isles*; and from thence he went over in some boats to *Arran*, with some cannon, and took the castle of *Brodick* belonging to *Hamilton* without resistance.

*Brodick*  
castle  
taken.

*Montrose*  
and *Ma-*  
*risball*

So soon as *Montrose* did arm, the earl of *Mari-  
shall*, and the bulk of the country from *Fife* north-  
ward to *Aberdeen*, rose with him, to the num-  
ber

ber of 7 or 8000 men, all of them well armed, 1639. and a goodly number of them horsemen, amongst whom were several of the *Carse* of *Gowrie* and *Angus-shire*, gentlemen who till then had looked on as neutrals, or had been over-awed by *Airly* and *Southesk*, but now behaved with as much resolution and bravery as any. With all these he marched streight to *Aberdeen*, where the marquis of *Huntly* then lay in *Pitfoddell's* lodging; but ere ever *Montrose* came near the town, the marquis left it in a great pannick, and retired northward; their bishop also, and doctors, with several of the most malicious of their burgessees took shipping for *England*, so that the rest were obliged, for all their preparations, to surrender without conditions on the 30th of *March*. Orders for taking off their cat-bands, filling up the trenches, which had been cast up in the links, giving up their cannon, and fortifying their block-house for the use of the country, were no sooner issued out than obeyed. A large sum was imposed as a fine upon that unnatural city; but through the discretion of *Montrose* all was forgiven; and his lordship having left the earl of *Kinghorn* with 1800 men to command the place till his return, marched northward in quest of the marquis, who had as little wisdom to flee now, as formerly he had courage to fight: He sent to parley with *Montrose*, but his lordship had no time to lose on speeches, and came upon the marquis in his own house, who, to escape the demerit of his crimes, offered all possible satisfaction, and subscribed a declaration, acknowledging the lawfulness of the assembly at *Glasgow*, and her

raise an  
army,  
Baillie.  
P. 763.

and  
quell  
the town  
of *Aber-*  
*deen*,

and the  
marquis  
of *Hunt-*  
*ly*.



1639. her constitutions, yet few trusted much either to his word or writ; and therefore, when in a few days after, his second son the lord *Aboyne* made an elopment, and himself failed in giving sufficient security for the performance of his promises, he and the lord *Gordon* his eldest son were obliged to accompany *Montrose* to *Edinburgh*, where they were confined in the castle till the peace concluded with the king in summer following.

The town of *Aberdeen* take the covenant and send deputies to *Edinburgh*, *Row*, p. 344.

Before *Montrose* returned south, he would needs imitate the example of good king *Josiah*, who caused all *Jerusalem*, and *Benjamin*, stand to the covenant which he had made. In like manner our young hero urged the town of *Aberdeen* to subscribe the covenant, with the declaration appended thereto by the assembly, under the pain of confiscation of their goods. At first the town pleaded conscience; and hesitated to obey; but finding that *Montrose* was in earnest, they dropped their scruples, and took the covenant the 10th of *April*; and on the 15th of that month they sent commissioners for the first time, to concur with the deputies at *Edinburgh* in the common cause.

A remark on forcing people to take the covenant.

The above instance is the first that I have found of violence used in this period, to extort an adherence to the covenant; but considering that town was in a state of war with the covenanters, the urging them in these circumstances cannot with reason be pleaded as the ordinary practice. I know bishop *Guthrie*, and after him bishop *Burnet*, and some of the *English* historians, say, that about this time, the tables at *Edinburgh* went to the session to force the lords to take the covenant; but tho', as they

they say also, the most of the lords refused it, 1639. they do not pretend that any violence was used against the recusants; yea this had been a practical contradiction to what the covenanters had all alongst declared; and therefore, all that can be said with certainty concerning this matter seems to be this: The king urging, as we observed before, an abjuration of the covenant, and the conclusions of the assembly upon all *Scotsmen* in *England*, the covenanters being as fully persuaded of the duty of swearing the covenant, as *K. Charles* was of abjuring it, they judged it seasonable, when necessity pointed out the duty of trying who were friends or foes, to make an offer of the covenant to those of the lords of session, who had not already subscribed it: and it may be they let the recusants know, that it were just to serve them with the same sauce which their friends in *England* were served with; but they never made this half boast effectual.

And now to bring the foregoing directions of the general committee to an issue, the fortifications at *Leith* were all this time carrying on with great speed; above a thousand hands were daily employed at them, who did plat up toward the sea several strong bastions, which were so well planted with cannon, that little was feared from any landing there; and all the towns along the coast of *Fife* made up sconces and fossees, and erected batteries, upon which they placed ship cannon, and were able to make a tolerable defence.

Thus in a short time, by a signally divine assistance, the reformers did cut the main sinews of their adversaries hopes; all the strengths

*Leith*  
fortified,  
*Ibid.* p.  
764.

A Re-  
surrection on  
this suc-  
cess.

1639.



strengths of the land fell into their hands; their enemies were content either to feign submission, or to evite this by their flight: The whole country was in a short time put in a posture of defence: And such a spirit of fortitude and magnanimity prevailed every where, that the hand of GOD might be seen sensibly going before them. When GOD *arise*<sup>th</sup>, *his enemies are scattered*; then they also *that hate him flee before him*.

The  
Scots re-  
solve on  
a new  
supplica-  
tion to  
the king.  
Ibid. p.  
765.

This wonderful success did not however detract from that desire which the Scots had to give in all humility full satisfaction to the reasonable commands of their sovereign; they supposed this might have been a fit occasion for presenting a new supplication to his majesty, and made out one which they shewed to such of the lords of the secret-council as remained in the country, who generously offered to send any of their number to present the same. Accordingly, lord Orbiston justice-clerk was sent up with it to York: But when he came there, he could not get a hearing. Yet after him they made a new trial by Sir James Carmichael the treasurer-depute; but his audience in that cause was no greater: The king's rage was augmented by the success and boldness of the *Scottish* attempts: his honour was engaged; and being on his way, there was nothing able to divert him from pursuing them with fire and sword, but the GOD of heaven; and considering the goodness of their cause; they did not despair of this celestial diversion; and they soon found that the LORD, in his gracious providence, did no less

remark-



remarkably baffle the devices of their enemies, 1639. than he had furthered themselves.

For 5 or 6000 *Walloons* and *Irish* intended against the *Scots*, were, by the *Dutch* admiral, driven back to *Dunkirk*, which belonged at that time to *Britain*.

An invasion frustrated, Baillie, p. 766.

In like manner, the great assistance promised from *Ireland*, dwindled to 1500 ragged *Arabians*; the grievances of that nation were so great, thro' the oppression of *Strafford*, the deputy, and his bringing an inquisition little better than the *Spanish* upon the *Scots* there, who would not abandon our national covenant, that no more could be spared thence. And,

*Irish* aid, only 1500 men, Ib.

For the forces of *England*, they failed like the summer brooks; the country was filled with their own grievances: A parliament had for many years been denied to their passionate desires and evident necessities. They were now sufficiently informed, that the *Scots* quarrel was much the same with their own, and began to suspect, that their domineering metropolitan, by setting his emissaries on work in *Scotland*, intended to play the same pranks on themselves, if the *Scots* were once vanquished. So the hearts of all men might have been seen averse from this war, the very pages of the court could not refrain from reviling the fugitives from *Scotland*, as traitors to their country, and the procurers of so much trouble to their king. The king's guards gave out peremptorily, that they were not obliged to follow his majesty without the kingdom; so their employment was shifted. Many of the nobility scrupled the lawfulness of the war; they admitted, that such a method of raising

*English* dissatisfied with the war, Ibid. p. 767.

X x x x

troops

1639. troops had sometimes been practised in former times; but then, it was only when the kingdom was actually invaded; at least, when there was a war proclaimed, and an invasion imminent, neither of which was the present case: And the lords *Sey* and *Brooks* told in plain *English*, that they could not be answerable for concurring in an invasion of *Scotland*, undertaken without the parliament's advice. For this freedom these lords were committed at *York*: But others were so much displeased with the king's rashness, that it was thought best to dismiss them: Yea, which was more surprising, the very papists were noways frank for the war. At first their offers were great, but after consulting with the pope, he ordered, by his instructions to monsieur *Conn*, that unless open liberty of conscience, (a thing which the court judged impolitick at that time) were promised to them, they should withhold their assistance.

And the  
papists  
prohibit-  
ed from  
joining,  
Ibid. and  
p. 810.

The fleet  
stopped  
by con-  
trary  
winds,  
Ibid. and  
*Burnet's*  
Mem.  
p. 122.

And it likewise deserves a remark, that after the fleet designed for *Scotland* were ready to sail, they were detained near two weeks in *Yarmouth-roads* by contrary winds; during which space, the marquis of *Huntly*, for whose assistance especially it was supposed that fleet was first intended, was apprehended; and the *Scots* imported the most of their arms and warlike stores. Thus we see that there was such a concatenation of providences working for the *Scots*, as might have struck the greatest infidel amongst their invaders with amazement.

Notwithstanding, the king being gallantly accompanied by his courtiers, and such others

as were friends to the hierarchy, found on review, that he had an army of 19614 men, beside the fleet, his own guards, and the garrisons of *Berwick* and *Carlisle*. With these he hoped to correct the insolence of his *Scots* subjects, and hastened his march to *Newcastle* before the beginning of *May*; and about the same time the marquis of *Hamilton*, and under him Sir *John Pennington*, arrived in *Leith-road*, with a squadron of sixteen, or, as some authors call them, twenty great ships of war, and with several smaller vessels, and 5000 land forces on board.

1639.

The king marches forward with his army, Ibid.

and his fleet arrive in the Frith,

At this sight the *Edinburgers*, and inhabitants on both sides of the *Frith* were all aghast, expresses were sent off by the committee to all quarters for assistance; and, according to the directions given concerning beacons, fires were presently put upon the tops of the hills to alarm the country, and they came to *Edinburgh* in such numbers, that in a little space the fleet was pent up on both sides, and durst not set a foot on shore. Of fresh provisions they could get none, and were reduced to the necessity of digging wells in *Inchkeith* and *Inchcolm* for fresh water, by which straits many of them took the itch, a number of them died, the rest turned mutinous; and it was supposed, that if the *Scots* had fortified *Inchkeith*, as afterwards they did *Inchgarvie*, that the marquis would have been their neighbour much shorter than he was.

which draws out the Scots to their defence, Baillie, p. 869.

On this charge *Eglinton*, who, with *Cassilis*, had been appointed to wait at home, and prevent any surprise from *Ireland*, came to *Edinburgh*, with almost the whole west-country

*Eglinton* and part of his forces dismissed, Ibid. p. 779.

at



1639. at his back, and Mr. *Robert Baillie* as their minister; but, by the time they came, there was so little need for them, that the most got liberty to return home, only Mr. *Baillie* was appointed to attend lord *Montgomerie's* regiment, and a few others who desired to stay were joined to them.

The king sends in a despotick proclamation, Ibid. p. 771.

About this time Sir *James Carmichael* returned to *Scotland*, carrying with him a most injurious and despotick proclamation, dated the 25th of *April*, professing indeed great affection to the true religion, and promising to defend it, and to allow the covenanters all the benefit of his majesty's and his commissioner's promises and offers; and likewise proffering a gracious pardon to them, if they gave up his castles and forts, laid down their arms, and acquiesced in the above offers within eight days after that proclamation were published; but declaring all such traitors as should not within that space comply with, and submit to that proclamation; and that their estates should be given to their superiors or vassals *respective*, continuing loyal and contributing to suppress them: And with that proclamation the king, (*April 7.*) sent his commands to the marquis to use all manner of hostility against all those who would not submit themselves according to the tenor thereof; but that arbitrary way of forfeiture served only to enrage the *Scots*; not a man of them regarded the favour promised, nor cared a fig for the illegal threatening.

*Hamilton* intimates the same, and challenges obedience, Ib.

Of this proclamation *Hamilton* sent a copy with a trumpeter to the provost of *Edinburgh*, with an order that the same should be published at the market cross, and that the castle of *Edinburgh*,

Edinburgh, and the fortifications at *Leith* should be given up, and then he would come out and hold the parliament indicted ; but if ready obedience were not given, then he was to execute his royal master's other commandments ; which commandments were, as appears by the above orders, and by his majesty's other letter to *Hamilton*, dated the 10th of *April*, to proceed with fire and sword against all those who should disobey the proclamation.

Mem.  
D. of  
Ham.  
p. 123.

To this order the town-council sent an answer, praying to be excused from obedience to the same, till the estates, who were expected there in a few days, in obedience to their royal sovereign's proclamation for holding a parliament, should consider of his grace's demands. This excuse the marquis sustained, because the space allowed by proclamation, for proving their disobedience, was not elapsed.

The  
council  
of *Edin-  
burgh*  
shift it,  
*Baillie*,  
p. 771.

When the estates met at *Edinburgh*, the 9th of *May*, this affair was laid before them ; and thereupon they wrote to the marquis, that they had perused the proclamation, and found it carried a denunciation of the high crime of treason against all such as did not accept the offer therein contained, altho' it was only a writing printed without the kingdom, and not warranted by act and authority of the council, lawfully convened within this kingdom. — That it could not stand with the laws, liberties, and customs of this kingdom, that a proclamation of so great and dangerous consequence, wanting the necessary solemnities, should be published there. — That by the laws of the kingdom, treason, and forfeiture of the lands, life,

and the  
estates  
reject it  
in as  
bold a  
manner,  
*lbid.* and  
p. 818.

1639. life, and estate of the meanest subject within the same, could not be declared, but either in parliament or in a supreme justice-court, after citation and lawful probation, much less of the whole peers and body of the kingdom, without either court, proof, or trial. — And since that proclamation did import in effect the renouncing of their covenant, and of the necessary means of their lawful defence, they could not give obedience thereto, without bringing a curse upon the church and kingdom, and ruin upon themselves and their posterity; and in end, they request that the parliament might be held according to his majesty's indiction; and that his grace would, in the mean time, open a safe way, whereby their supplications and informations might have free access to his majesty's ears.

Hamilton  
writes to  
Rothes,  
Burnet's  
Mem.  
P. 126.

The marquis would not deign to favour the whole subscribers with an answer, but next day he wrote to the earl of Rothes, the import of which may be sufficiently guessed at by the following return made by his lordship to the marquis.

Rothes's  
noble  
answer,  
Ibid. p.  
129.

‘ I should have been far better content to  
‘ have seen you here at the parliament, than  
‘ with a navy and army to constrain us beyond  
‘ the just limits of religion and lawful obedi-  
‘ ence, which we were always willing to per-  
‘ form. It was far beside my expectation, and  
‘ your grace's oath and promise, that you  
‘ should ever come in any chief command  
‘ against your native country. Whereas your  
‘ grace doth challenge our coming in such  
‘ numbers to attend this parliament. I hope  
‘ you conceive that this navy and army upon  
‘ the



the Borders, and the invasion threatened in the 1639.  
 West, do sufficiently warrant our preparations  
 to defend these places, and divert such dan-  
 gers. That proclamation, that is said to car-  
 ry so much grace and goodness, is as destitute  
 of that as your invasion is of a good warrant,  
 which persuades me, that neither of the two  
 proceeds from his majesty's own gracious  
 disposition. I dare not be answerable to  
 God Almighty, and to that duty I owe to my  
 prince and country, if I do not shew your  
 grace, that your going a little further in this  
 violent and unjust way, will put all from the  
 hopes of recovery, for which both a great  
 deal of blame from men, and judgment from  
 above, shall attend you as the special instru-  
 ment, which I wish you labour to evite. If  
 our destruction be intended, we are confident  
 in that MAJESTY who owns this cause, and  
 is able to defend it; and if only terrors to  
 fright and prepare us to accept of any condi-  
 tions will be offered, that intention is alrea-  
 dy as far disappointed as any of these many  
 former. But as we are ready to defend, so  
 ever to insist in supplicating, and using all  
 humble and lawful means as becomes us.  
 Mr. Borthwick will deliver to your grace our  
 supplication to his majesty, &c.

This letter the marquis accounted very  
 malignant, a phrase extremely common in  
 those days; and yet, that he might not be  
 behind even in that respect, he, by a letter  
 to *Rother*, dated May 17. gives it under his  
 hand, 'That he would by God's grace die at  
 his master's feet, and that he would prove  
 an enemy to the uttermost of his power to

*Hamilton*  
 sent a  
 sanguine  
 reply,  
*Ibid.* p.  
 130.

this

1639. ' this kingdom, if his countrymen continued  
 ~~~~~ in their obstinacy.

and yet
 proved
 an inac-
 tive
 com-
 mander,
 Ibid. and
 Baillie,
 P. 772.
 &c.

Yet, notwithstanding this language threaten-
 ing, *Hamilton* proved no great enemy to his
 country, at least not so much as the king's
 friends have wished. It is true, he inspected
 all the vessels which came within his reach;
 he also imposed the *English* oath on the ma-
 sters, abjuring these two great eye-sores, the
 covenant and the assembly at *Glasgow*, and de-
 claring their adherence to the king against the
 rebels; and sent what soldiers and ammunition
 he found in their ships to the royal camp, but
 he never used any farther hostility; and what
 provisions he took from any vessel was only
 for ready money. To the north he sent not
 the smallest assistance, tho' he had the king's
 orders to aid the lord *Aboyn* and the laird of
Banff, who had raised their friends in the
 north, but he employed his interest with his
 majesty to dissuade him from hostilities, and
 dispose him for a treaty with the *Scots*.

The par-
 liament
 proro-
 gued,
 Ibid. p.
 773.

By this time it was the 15th of *May*, the day
 to which the parliament was indicted, the bi-
 shops and their party gave out very confidently,
 that the covenanters would hold a parliament
 without either the king or his commissioner,
 and that they would erect some new kind of
 government; but in this they were found
 liars; for when the king, fearing lest they
 had taken advantage of that indictment, sent
 to prorogue the parliament, all agreed that the
 court being once fenced should be prorogued
 to any day his majesty pleased, which was
 done without opposition.

Only

Only at that time the members gave a very ample commission to general *Leslie* to be commander in chief over all their forces by sea and land, with this proviso, that he should be answerable for his conduct to the supreme courts of the nation, civil and ecclesiastick; and because the governor of the castle was objected against, as a person of no such authority as that place did require, the charge of it was intrusted to lord *Balmerino*.

1639.

General
Leslie
made
com-
mander
in chief,
Ibid.

With general *Leslie*'s promotion it was afterward suspected that *Montrose* was not well pleased. Notwithstanding, as lord *Aboyne* and *Ogilvie* of *Banff*, two rash youths, inflamed one another, and gathered their friends in the north, re-possest *Aberdeen*, and even dissipated a meeting of the reformers, headed by the master of *Forbes*, and lord *Frazer* at *Turriff*, the 14th of May; *Montrose* was sent against them a second time, and, with the assistance of these two nobles, and the lords *Marshall*, *Dunfermling* and *Kinghorn*, with the town of *Dundee*, and all the other friends they could gather, he had the town of *Aberdeen* surrendered to him on a sudden; and *Aboyne* and *Banff* disbanded their forces, and shifted for themselves the best way they could. Nevertheless on some discontentment which *Montrose*'s army took up at his lenity to *Aberdeen*, they deserted so fast, that he scarcely had the honour of a military convoy home again; and by the time he reached *Edinburgh*, the posture of affairs about *Aberdeen* was almost as desperate as ever.

Montrose
sent a-
gainst
Aboyne,
&c.
Baillie,
p. 797.

For the royal army being on the *Border*, and the fleet in the *Frith*, the clergy and citizens of *Aberdeen*, who had fled to the king, were sent home

The e-
piscopal
clergy,
&c. of
Aberdeen,

1639.

sent back
to it, and
are ac-
companied
by several
nobles,
Ibid.

Mem.
p. 135.

Aboyn
arms
again,
Row,
p. 346.

The sad
aspect of
affairs
review-
ed.
Baillie,
p. 778.

home to work what mischief they could; and with them went the earl of *Glencairn*, (who had deviated much from the example of his noble ancestors, to the great grief of all his friends) the lords *Tullibardin*, *Linlithgow*, *Kinnoul* and *Drummond*, who were all inveterate enemies to the covenanters. These, and several other lords, having, as *Dr. Burnet* says, been burdensome to the king, were sent down to *Hamilton*, who cared as little for them, and recommending to them to return to their own estates, they chused rather to retire to *Aberdeen*, where the king's party were strongest.

Upon their landing, the king's proclamation, of the 25th of *April*, was published in *Aberdeen*. *Aboyn* took on him the chief command in those parts, and in a trice a considerable army assembled under his banner; among whom was the town of *Aberdeen*, who, on *Montrose's* command, had subscribed the covenant; but the scales being turned for a little space, they did now renounce the covenant as solemnly as before they had sworn it, and were the most active in imposing that renunciation upon others, and otherways molesting and invading those who adhered to it.

At this time the reformers judged themselves in as great danger as ever; their enemies in *Aberdeen* were masters of the field, and ready to break in like a flood upon *Mearns* and *Angus*. The *West* were put in terror by new accounts of an invasion from *Ireland*. On the *Borders*, the lords *Home*, *Queensberry*, and *Johnston*, with the chief of the *Scots*, were suspected of being secretly practised upon by the king; and they accounted it a piece of dangerous

gerous policy, whereof they were more afraid 1639.
 than of any thing else, that neither the king's
 army on the *Borders*, nor his fleet in the *Frith*,
 did at all attempt any thing. They never
 suspected that this indolence flowed from te-
 merity, or any such cause, but knowing their
 own poverty was such that they could not
 keep the field long, they conceived that was
 a deep laid plot, to undoe them without stroke
 of sword; and therefore, they betook them-
 selves again to fasting and prayer, acknowledg-
 ing with godly *Jehosaphat*, that they had no
 might against this great company coming against
 them, neither knew they what to do, but their eyes
 were towards the LORD.

Mem.
 D. of
 Ham.
 P. 138.

A fast,
 Baillie,
 P. 779,
 &c.

This sharpening of the covenanters prayers,
 and exercising of their faith, wrought hope,
 and produced diligence and courage; and first,
 being solicitous that no mean might be left
 unessayed, that could any ways conduce to the
 preventing of bloodshed, they renewed their
 old course of supplicating, *first*, by Dr. *Matsley*,
 an *English* divine, who had been sent in among
 them; *then*, by a letter to the earl of *Essen*,
 whom they knew to be friendly to their cause,
 (tho' such was his obsequiousness to the king,
 that he sent it to him unopened); and *last*, by
 repeated letters to the earl of *Holland*, to be
 communicated to whom he would of the
 council of *England*, that they might clear the
 thoughts, supplications, and conduct of their
 brethren of *Scotland* to their common sove-
 reign; but all these efforts for peace failing
 of the wished for effect, they recommended
 the care of the north to the earls of *Montrose*
 and *Marishal*; and being so environed on all
 hands,

issued in
 hope and
 produced
 diligence,
 Ibid.

1639

hands, the general marched eastward to *Dunglass* near *Dunbar*, where his little army encamped for a short space, resolving to be at strokes so soon as a sufficient force were assembled, and rather than be hemmed in as they were, to go seek their enemies wherever they could find them.

Orders
from the
commit-
tee at *Edinburgh*,
Baillie,
p. 806.

For this purpose the committee at *Edinburgh* ordered, 1. That two thirds of the whole horse in the kingdom should come with all possible diligence to the *Border*; that the particular committees should call before them such as were most able to give up the whole horse in each parish fit for service, divide them into three equal shares, and then cast lots which of the two thirds should go, that they should march instantly; and, if unable to maintain themselves, they were to be maintained upon the publick expence, after their reaching the head-quarters; but, if they went not with all possible diligence, they were to be incarcerated and fined. 2. That those who were able to maintain horse but wanted them, should be taxed for sustaining those who had horse but wanted means; and if those who had horses without means were not able to ride themselves, they should be obliged to sell their horse to them who wanted, for money or goods, at the sight of the committee; and that each man having lands or rents, able to sustain the rank of horsemen, should buy and send them for the service. 3. That there should be a constant committee within the bounds of each presbytery, to receive instructions from the committee at *Edinburgh*, and put them in execution. 4. That horses belonging to non-covenanters

covenanters should be seized on, and put out 1639.
 to the publick service. 5. That the particular
 committees should cause all from 16 to 60
 years be in readines to march with such arms
 as they had, upon 24 hours warning, with a
 month's provision, leaving as many in each part,
 where there was any reason to fear an invasion,
 as should be thought sufficient to resist the
 same. 6. That the fourth man, formerly ap-
 pointed to come from each parish, should
 march presently with ten days provision; and
 if they refused, their persons were to be im-
 prisoned, and their goods seized on for the
 publick service. 7. That the third part of the
 horse who remained at home, should relieve
 one of the two thirds on the *Borders*; and that
 horsemen staying at home, after orders, should
 be imprisoned and fined; if a baron, in 1000
 merks; if a gentleman of inferior quality, in
 500 merks; and if a yeoman, in 200 merks; two
 thirds whereof were to be given to the person
 he ought to have relieved, and the other third
 employed for the publick service. 8. That
 each parish should provide such a certain num-
 ber of jacks, launces, pikes, swine-feathers,
 and other weapons fitting for the service, as
 the particular committee should appoint, and
 generally that everyone should contribute their
 best endeavours for the benefit of the publick
 cause. 9. That all persons reputed opulent,
 should be required, upon oath, to give a fair
 account of their money, and lend the same
 on proper security. 10. That what belong-
 ed to non-covenanters (except so much as
 were necessary for sustaining their wives and
 children) should be seized on, and given in to
 the

1639. the publick stock; for, seeing they joined with those who put the covenanters lives in jeopardy, and lands to sale, for the defence of religion and liberty it was thought reasonable, seeing non-covenanters had as great interest in these as covenanters, that their wealth should be partly imployed for that cause; yet, except the granaries of the earl of *Winton*, and *Maxwell* of *Dunglass*, few of them incurred any loss by this order. 11. If money failed, it was ordered, that the plate should be given up on security and coined. And, 12. it was ordained, that all, of whatsoever degree, should yield ready obedience to their respective committees, and that the several committees should be answerable to the general committee. Which orders, bearing date the 18th of May, and subscribed by the lords *Cassilis*, *Mar*, *Roberts*, *Napier*, *Boyd*, *Sinclair*, and *Lowdown*, were published by tack of drum in boroughs, and in the parish churches in landward.

The
Scots
draw to-
wards
the roy-
al army,
ibid.

Agreeable to these instructions, colonel *Munro*, who had been sent to *Dumfries* with a part of the forces first raised to train up the militia in that country, and suppress any insurrection of the malecontents there, or incursion from *Carlisle*, assembled as many of their friends in *Dumfries*, *Wigton*, and *Kirkcudbright*, as could be spared, and marched eastward through *Nithsdale*, *Annandale*, *Lidsdale*, and *Teviotdale*, gathering their friends, till they came to *Kelso*; and, in other parts of the country, the officers hastened out the remaining troops as fast as they could.

which
intimi-
dates
them.

Accounts of these instructions, and of the speedy progress of the Scots, were quickly carried

and State of SCOTLAND.

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carried to the king's army, then encamped 1639. in a plain, called *Birks*, on the south-side of the *Tweed*, near three miles above *Berwick*, and made many a heart among them to quake, as several of them owned afterward. ' They knew (says Mr. *Baillie*) that our necessities, and grievous oppression, made us bold as lions, and that we were drawing toward them with all the speed we could: The known skill and bravery of our general, and his officers, were also very terrible to them, and many among them were very sensible of their own unjust cause and great disorders.'

Wherefore the king was prevailed on, to issue out a new proclamation, very different from the former, leaving off the odious charge of rebellion and treason against the *Scots*; representing, that the king's arms were intended meerly for peace; and promising, that, upon demonstration of their obedience in matters civil, his majesty was ready to grant their just supplications, but commanding their army to hold off, and not come within ten miles of the royal army, otherwise their disobedience in that particular should be taken for a declaration of their intention to invade the king's person, and the kingdom of *England*.

With this dialect the *Scots* were very well pleased. It was the first token of clear weather that appeared in their cloudy sky: They took it for the beginning of a real change of the king's councils, and supposing it proceeded from a real desire for peace, they obeyed with entire submission that part of the proclamation, forbidding their approach within ten miles of the king's camp, and were disposed to make the best of that glimpse of royal clemency;

A proclamation, *Ib.* p. 780, 831.

Which pleased the *Scots*, and was obeyed by them, *Ibid.* P. 780. 783.

1639. money; by which act of obedience, among many others, they evidently shewed that the war was not offensive on their part.

Their
obedi-
ence
mistak-
en, and
the pro-
clamati-
on of
the 25.
of April
repub-
lished,
Ibid. p.
783.

But the king, far from looking on that obedience as a testimony of their duty, was made to believe by some of the excommunicated bishops who were still buzzing in his majesty's ears, that it was the effect of their fear; and by their advice, he was induced to publish in our Border, the former proclamation. Wherein he gave an account of the affronts his authority had received by the covenanters, and his designs to do himself right, according to the power and authority GOD had put in his hand: *Withal offering indemnity to such as should within eight days lay down their arms, some few excepted, declaring such as would not obey rebels, setting a price upon their heads, and ordering their vassals and tenants not to acknowledge them, nor pay them rents.*

The
Scots re-
pulsed
the En-
glish at
Kelso.

This proclamation was made at Dunse by a strong party of the English, under the command of the earl of Arundel the king's general, and lord Ruthven: And under the same pretext, the earl of Holland general of the horse was sent to Kelso, with 3000 foot and 1000 horse; but it was believed his intention was rather to surprise the party of Scots who were come there; however colonel Munro, and the lords Fleming and Erskine, who had the command of 4 or 5000 foot, and near 500 horse, presented themselves in battle array. Holland sent a trumpeter to command them to retire; but they answered, that he would do much better to withdraw himself; and indeed he found it proper to take their advice, for on a sudden the English horse were driven

driven back faster than they came, by half the 1639. number of the *Scots* cavalry with musketeers in their intervals, a manner of fighting which the *English* had not seen, and which the *Scots* officers had learn'd under the great *Gustavus Adolphus*. It would, says the author of *The Memoirs of the Church of Scotland*, make too much sport with the *English* courage and bravery, which is so well confirmed in the world, to give an account how like scoundrels this army behaved.—In a word, none of the *English* troops, after the first skirmish, car'd to engage or look the *Scots* army in the face.' Mr. *Baillie* adds, 'That the *English* soldiers were a great deal more nimble at flying than fighting; and that it was difficult to tell whether the arms of their cavalry were more weary with whipping, or their heels with jadding their horses.'

p. 189.

Collect.
p. 784.

This discomfiture lay so heavy on the *English*, that to repair their disgrace, lord *Holland* was commanded to return to *Kells* with a greater force; and the marquis of *Hamilton* was ordered to send part of his fleet to *Berwick*, with two regiments of his land-forces to take part with the royal army; after which addition, the king's army was reckoned to be full 22,000 horse and foot, besides what were left in the ships.

The
English
hostility
increas-
ing.
Ibid.

The above proclamation, and incursions by the *English* army, with their taking several castles and strong houses in the *Marse*, were plainly refusing from the proclamation for peace, and as plain a declaration of hostility. Whereupon general *Leslie* raised his camp from *Dunglass* the 31st of May, intending to encamp

The
Scots
army
advance
to *Dunfer-*
Ibid.

1639 at *Dunse-law* next day; against which time he
 w. ordered the forces at *Kelfo* to meet him. And
 at the same time posts were dispatched by the
 general committee over all the country, in-
 timating what efforts they had used for ob-
 taining a peace; that the *English* forces had
 broken in upon the *Merse*, taken several castles
 and houses, and were that night (as they were
 informed) to be at *Eymouth*, where there was
 a great magazine of provisions; and therefore
 exhorting all who loved their country, their
 conscience, their lives and liberty, and would
 be delivered from the destruction threatened,
 to hasten their march to the head-quarters at
Dunse. This they enforced farther by the ar-
 rival at *Berwick* of the troops which were in
 the fleet, and the sudden prospect of a battle;
 and, in end, they say, ' Shall our enemies be
 more foreward for invasion against the truth,
 and for our slavery, than we for the de-
 fence of the truth and for our liberty? —
 They have neither *Christian* nor *Scottish* hearts,
 who will expose their religion, their coun-
 try, their neighbours, and themselves to
 this present danger, without taking part
 with them.'

The
 Scots
 encamp
 at Dunse-
 law, Bail-
 lie. P. 6
 784.

Mem.
 p. 58.

Agreeable to this exhortation, the whole
 country, who could be spared, set out with
 such arms and provisions as they had; but we
 leave them on their way, and observe, that
 in the mean time general *Leslie* with the ar-
 my, who were encamped at *Dunglass*, and
 the forces which were at *Kelfo*, met *June* 1st,
 (bishop *Guthrie*, by mistake, calls it *May* 20th,)
 at *Dunse-law*, a kind of strength in the middle
 betwixt the two ways leading to *Edinburgh*,
 that

that if the *English* army had taken the road 1639, either by *Haddington* or *Soutray*, they might have been on their back; and there they encamped within fight of the royal army, and only about six miles from them.

Mr. *Baillie* acknowledges that it was an agreeable feast to his eyes to survey the place: It is a round hill about a *Scots* mile in circle, rising with very little declivity to the height

Their camp described, *Ibid.* p. 786.

of a bow-shot, and the head somewhat plain, and near a quarter of a mile in length and breadth; on the top, it was garnished with near forty field pieces, pointing toward the East and South: The colonels, who were mostly noblemen, as *Roths*, *Cassilis*, *Eglinton*, *Dalbawfsy*, *Lindsay*, *Lowdown*, *Boyd*, *Sinclair*, *Balcarras*, *Fleming*, *Kircudbright*, *Erskine*, *Montgomery*, *Yester*, &c. lay in large tents at the head of their respective regiments: Their captains who generally were barons or chief gentlemen, lay around them: Next to these were the lieutenants, who were generally old veterans, and had served in that, or a higher station over sea; and the common soldiers lay outmost, all in huts of timber, covered with divot or straw.

Their officers, &c. *Ibid.*

Every company (which according to the first plan, did consist of 200 men) had their colours flying at the captain's tent-door, with the *Scots* arms upon them; and this motto in golden letters, *FOR CHRIST'S CROWN AND COVENANT.* The general had a very magnificent tent, but did not set it up. He lay in the castle, at the foot of the hill, with *Baillie* his lieutenant-general. That place had been designed for lord *Almond*, in whose wisdom and valour the *Scots* had great confidence;

All their colours had one motto, *Ib.* and 787.

1639. confidence; but being greatly troubled with
 a gravel, he went elsewhere for incision. The
 general's constant guards were some hundreds
 of lawyers and writers, under the laird of Du-
 rie and Sir Thomas Hope's command, well
 mounted and accoutred. Every night, the
 general, and his lieutenant-general, rode round
 the camp and saw the guards set. The coun-
 cils of war were kept daily in the general's
 lodging; and the ecclesiastical meetings (for
 there was at least a minister for every regi-
 ment) were held in *Roth's* large tent.

And Some were afraid that there would have
 been some emulation among the nobles; but
 great au- nothing of that sort appeared from the begin-
 thority, ning of their campaign to the end. The wisdom
 Ibid. p. and authority of the general was so great, (tho'
 789. personally both little and crooked) that all gave
 over themselves as entirely to his dictates, as if
 he had been *Solyman* the great; yet such was
 his conduct, that he gave out his orders rather
 in the form of an advice than of a command,
 rightly judging, that a difference ought to be made
 betwixt volunteers and soldiers of fortune.

The general had always two tables; one
 for himself, and such of the nobles as were
 occasionally present, and another for atten-
 dants; and every nobleman and gentle-
 man of good estate maintained their sub-
 alcers. Mr. *Baillie* is of opinion, that both
 the general and colonels did this on their own
 charges; and is sure both *Eglinton* and lord
Montgomery did so, for, adds he, *This was a*
campaign whereon we were glad to bestow both
lives and estates.

The

The soldiers were all lusty fellows, and for 1639-1 the most part stout young ploughmen. The only difficulty was to find them dollars for provisions. At first due care was not taken to provide them seasonably, whereat many of the *Eastland* soldiers were discontent: But that defect having been supplied from *Edinburgh* and the country around, cheerfulness appeared in every face. They made great progress in the exercise of their arms; and every one assisted and encouraged his neighbour. The sight of the nobles; the good sermons from their beloved pastors, and prayers morning and evening, under the canopy of heaven for their covering, to which exercises their drums did call them for bells; the frequent remonstrances of the goodness of their cause, and of their conduct hitherto by a divine hand; the great character which their general had acquired abroad, and their entire confidence in his skill for leading and commanding, made them all as bold and resolute for a battle as could have been wished.

And which was as becoming, and may reach an awful reproof, not only to the military, but to many others in our day, is, that morning and evening, all were careful to evidence their gratitude to their divine protector, and solicitous to have his guardianship continued towards them. Reading the scriptures, praying and praising might have been heard in almost every tent. Nor was this all, the temper and disposition of many was as devout and elevated, as uses to be on the most solemn occasions.

Of

1639. Of this number was our author; for after he hath given the substance of what is above related, he adds, 'As for my self, I never found my mind in a better temper than it was all that time, from my outlet, till my head was again homeward, I was as one who had taken leave of the world, and resolved to die in that service. I found the favour of God shining on me, and a sweet, meek, and humble, yet strong and vehement spirit leading me all along.' But passing this,

The Scots army on their first arrival, did not exceed 14000 horse and foot: But according to the author just now mentioned, who came there with the earl of Eglington's regiment in a few days after, they increased to above 24,000: And he adds, that they might have doubled that number; but they had none there from the one half of Scotland, not a man beyond *Tay*. There were few from *Lothian, Fife*, and *Edinburgh*, in comparison of what were in arms; The most part were waiting on to prevent any sudden irruption from the fleet which remained in the *North*. The *South* behaved to observe the border about *Gartfist*, and the *West* to watch the *Irish* shore. The *Merse* was mostly employed in carriages. Few of the *West-Highlanders* were there. Lord *Erskine* had a few companies of them in his regiment, and that was all; for it was thought fit that *Argyll* with his regiment, should lie about *Stirling*, to be ready for unexpected accidents, and to be a terror to neutralists, and false-hearted friends. And *Montrose's* regiment, who were raised about

about *Monteith* and *Strathern*, were with his lordship in his northern expedition. 1639.

So soon as the army at *Dunfermline* increased above 20,000, the general signified his intention, and that not obscurely, of drawing near the *English* camp, to see if he could get hold of some of those who first kindled the fire, and were still adding fuel to it, and learn whether they thought that heat pleasant when it came near their own skins. *Leslie* threatens to attack the *English* in their camp. *Ibid.* p. 791.

With this resolution the *English* were no ways content; they did not want that the *Scots* should come so near them; and therefore fell to fortifying themselves, and wrought at their trenches on *Sabbath* as well as other days: but reckoning after all that they were not so secure beside such neighbours as their necessity required, they next sought occasion of a treaty with the *Scots*, which was not difficult to obtain. The *English* intrench themselves. *Ibid.* p. 791.

Nalson, and after him *Rapin*, *Oldmixon*, &c. for one liar will make a hundred; give a very mistaken account of the motives from which this treaty proceeded, and in general are very defective in the whole history of this expedition, so far as relates to *Scotland*. The *Scots* say they had been in hopes, that considering the discontents which reigned in *England*, the king would not be able to raise an army to reduce them to obedience; but contrary to their expectation, they beheld at the head of their borders twenty thousand men, without reckoning the fleet which interrupted their trade, whilst they had not above twelve thousand; (*Clarendon* and *Echard* make them not above three thousand): It was their business therefore

A remark on the partiality of *English* authors, *Nalson*, vol. i. p. 232. *Rapin*. B. xix. *Oldmixon*, vol. i. p. 138.

1639. fore to endeavour by all means to avoid deciding the quarrel by arms; the loss of a battle would certainly have reduced them to a state of servitude. Thus write the *English* historians; but, according to the relation before and after mentioned, this account is true in nothing. The *Scots* were superior both in number, and in courage and fortitude, to the royal army. It was therefore the business of the *English*, to endeavour by all means to avoid deciding the quarrel by arms; the loss of a battle would have sunk the king's credit exceedingly, and opened up a scene of troubles in *England*, as they found to their cost, after declaring a second war against the *Scots* the year following.

That the *Scots* army was superior to the *English*, we have shewed from Mr. *Baillie*, and with him Dr. *Burnet* agrees in the general, in his *Memoirs of James and William dukes of Hamilton*, where, page 132, he holds forth the *Scots* army as consisting of 25,000 men; and that beside the army which was marching to the *Borders*, there were about 20,000 on the two sides of the *Frith*; and that the *Scots* were also superior to the king's army in courage and fortitude, is partly evident from the same historian, (*ubi supra*) where he says the marquis of *Hamilton* besought the king not to run the hazard of a battle, the success whereof is always dubious, but more than commonly so in this case, where the one side was desperate, and the other but half cordial; and told his majesty how much he feared his foot might be too weak, &c. And the same is fully verified by the following paragraph of Sir *Harry Vane's* letter to the marquis, transcribed or referred

ferred to by the above, and most of the other 1639.
English historians. This morning advertise-

ment is brought his majesty, that *Leslie*, with Mem.
12,000 men is at *Cockburn's path*; that 5000 D. of
men will be this night, or to-morrow, at Ham.

Dunse, 6000 at *Kello*; so his majesty's opinion, P. 139.

with many of his council, is, to keep himself
upon the defensive, and make himself here
as fast as he can; for his majesty doth now
clearly see, and is fully satisfied in his own
judgment, that what passed in the gallery,
betwixt his majesty, your lordship, and my-
self, hath been but too much verified on this
occasion. And therefore his majesty would
not have you to begin with them, but to
settle things with you in a safe and good po-
sture, and yourself to come hither in person,
to consult what councils are fit to be taken
as the affairs now hold. To which

letter the king added the following postscript
with his own hand. *Having no time to write
myself so much, I was forced to use his pen;
therefore I shall only say, that what is here writ-
ten I have directed, seen and approved.*

From this state of the matter it may be easi-
ly guessed, who were most anxious to divert a
battle, and from what air the first motion for
a treaty came. Accordingly *Robert Leslie*, a
Scotsman, one of the king's domesticks, came
to the camp at *Dunse*, and with great profes-
sions of regard to his country, he assured them
that the *English* forces multiplied so fast, that
the *Scots* were in hazard of being swallowed up
by them; and therefore, advised them to
supplicate the king, once more, and assured
them that several of the *English* nobility would

A moti-
tion for
peace,

Ibid.

p. 792.

1639

listened
to by the
Scots,
Ibid.

not be wanting in their endeavours to obtain a gracious hearing to their supplication.

The motion, tho' slight, was well received. The story of the great increase of the *English* army, with which Mr. *Leslie* introduced himself, was indeed looked on, as it was, his own invention; yet it was not doubted that he was sent on this errand by some in the *English* camp, to prevent, if possible, the threatened effusion of blood; and therefore, tho' the *Scots* knew what advantage they had of the king, such was their regard to his honour, that they were always willing to supplicate, and no less now than ever. They aimed at no lands and honours, as their party did, they desired only to keep their own, as their ancestors had done, and to maintain their liberty as became men and christians; so that supplicating, the duty proposed to them, was the very thing they desired. Accordingly the *Scots*, without farther ceremony, sent off the earl of *Dunfermline* with a short supplication to the king, to hear their demands, and a letter from the nobles to the *English* council, to contribute toward a speedy answer; and the message was accepted with greater favour than was expected.

and they
send a
petition,
Ibid.

A con-
cession
demand-
ed, Ibid.

But tho' the king found himself shut up to the necessity of treating, he would first have his humour a little gratified, and some evidence of the petitioners loyalty; and therefore, before answer, Sir *Edward Vernham*, marshal of the king's house, a gentleman very acceptable to the *Scots*, was sent over to their camp, (*June 7.*) with a demand, that the *Scots* should first publish the proclamation of the 25th of *April*, at the head of their troops,
and

and then his majesty would vouchsafe a gracious hearing to their supplication: But the Scots shewed him by many reasons (the same in substance with the letter of the nobles to the marquis of *Hamilton*, against publishing the said proclamation at *Edinburgh*, which we have formerly inserted) why they could not comply with his demand: And yet, to shew their obsequiousness to his majesty's commands, as much as in their power, they did, with the exceptions in that paper, read the proclamation with great reverence at the general's table. This reading the gentleman took in good part, and offered to report it to the king, as a compliance with his demand. Whereupon the Scots sent back *Dunfermline* a second time with their supplication, and a list of the persons whom they inclined should treat for them.

1639.
but denied.

and the denial concealed, Ibid.

Accordingly upon *Vernhame's* patched up but favourable account, of the behaviour of the Scots, the king impowered the earl of *Arundel*, lord-general, the earl of *Essex*, lieutenant-general, the earl of *Holland*, general of the horse, with the earls of *Salisbury* and *Berkshire*, and secretary *Coke*, to treat with the following commissioners, named by his subjects of Scotland, viz. the earls of *Rothes*, *Dunfermline*, and *Lowdown*, Sir *William Douglas*, sheriff of *Teviotdale*, Mr. *Alexander Henderson* minister, and Mr. *Archibald Johnston* advocate, to whom his majesty granted a protection for safe conduct.

Commissioners named for treating, *Rep. B. xix* and *Baillie*, p. 793.

On Monday following, being the 9th of June, the Scots commissioners had an honourable convoy of their commoners to *Tweedside*, where, according to the king's appointment, they

The king upbraids the Scots, Ibid.

1639. they met with the *English* commissioners, in *Arundel's* tent; but they were not well entered till the king came in among them, upbraided them for having accused him of not listening to the requests of his loyal subjects; and required that they should now let him know all they had to say.

and they
defend
them-
selves,
Ibid. p.
794.

This uncouth salutation necessarily drew out the *Scots* to defend themselves; and having obtained the king's permission for that effect, they made a full, and, in the judgment of several of the *English*, very plausible defence for their country, which was favoured with a patient hearing; and this was the sum of what passed on that occasion.

The next meeting was on *Wednesday*, when the argument of the former day was resumed, and answers given to what the *Scots* had advanced. On that occasion also the *Scots* were not defective in an open and full reply; and it was believed the king's ears had never been tickled with such free communing concerning matters of state; yet he discovered no token of displeasure at their free communing: And, in end, having permitted the *Scots* to make known their demands, the lord *Lowdown*, upon his knees, said, *That their demands were only to enjoy their religion and liberties, according to the ecclesiastical and civil laws of the kingdom.*

The
Scots
their de-
mands,
June 11.
Rapin,
B. xix.

The
king's
answer,
June 13.
Ibid. and
Baillie,
p. 841.

The king replied, *That if this was all that was desired, the peace would soon be made.* Nevertheless, he thought fit to take the matter to advisement for two days, and then gave answer to their demand in these words: *That if their desires were only the enjoying of their religion and liberties, according to the ecclesiastical and civil*

civil laws of his majesty's kingdom of Scotland, 1639
his majesty doth not only agree to the same, but shall
always protect them to the uttermost of his power;
and if they shall not insist upon any thing but that
which is so warranted, his majesty will most wil-
lingly and readily condescend thereunto; so that,
in the mean time, they pay unto him that civil and
temporal obedience which can be justly required
and expected of loyal subjects.

By this time both sides began to look with a
more favourable eye upon one another; the
Scots were of opinion that the king was a lover
of reason and equity; and his majesty, on
his part, shewed a particular regard for what
was said by the earl of Lowdown and Mr.
Henderfon; and, at parting, he did our com-
missioners the honour of offering his hand
to them, and all of them kissed it on their
knees. The *English* commissioners were also
pleased to shew marks of their respect to the
Scots, by entertaining them sumptuously, and,
which was of more account, by recommend-
ing them to others for their wisdom, elo-
quence, gravity, and loyal disposition.

Notwithstanding, the late bishops of *Ross*
and *Aberdeen*, &c. having found access to the
king the *Sabbath* following, they so buoyed
up his majesty, with their flattering speeches,
that when, according to order, the Scots de-
puties came back on the *Monday*, his confe-
rence with them was far more tart than the
former; and, in end, he posed them with
these captious questions.

1. *Whether bath his majesty the sole indication*
of the general assembly or not?

2. *Whether bath his majesty a negative voice in*
assemblies or not?

3. *Whether*

Both
sides be-
came
more
confi-
dent of
one ano-
ther,
Baillie,
p. 795.

The bi-
shops in-
cense the
king. lb.

and he
proposes
captious
queries,
Ibid. p.
841.

1639. 3. *Whether may the assembly sit after his majesty hath by his authority commanded them to rise, or not?*

The
Scots dis-
satisfied,
Ibid.
p. 796.

With these queries the *Scots* could very easily have dispensed, they believed the king was sufficiently apprised by their conduct at the assembly at *Glasgow*, what were their sentiments; and therefore, they doubted as little that the intention of such questions was only to divert and amuse them, till more *English* and *Irish* forces were brought in against them, and their provisions spent; and therefore they resolved to give a free and candid answer to them; and, if they obtained not proper conditions of peace, they resolved to break off their treaty, and to pitch their camp within cannon shot of the king's trenches.

Agreeable to this resolution, upon the 18th of *June*, the *Scots* commissioners gave the following answer to the foregoing demands, viz.

Their
answers,
Ibid. and
p. 842.

' I. That it is proper for the general assembly alone to determine questions of this kind, and for us to give out a determination, were an usurpation, which might bring on us the just censure of the church.

' II. The answering of one of these three demands is, in effect, an answer to the whole; for, if the sole indiction belong to his majesty, there is no need for a question about the negative voice, and dissolving of assemblies: *Next*, if his majesty hath a negative voice, there need be no question concerning the indicting and dissolving of assemblies; and if his majesty may dissolve them, there needeth be no question concerning the other two.

' III. For

‘ III. For our part we humbly acknowledge, 1639.
 ‘ that the king’s majesty hath power to indict
 ‘ the assemblies of the kirk, and, when in his
 ‘ wisdom he thinks convenient, he may use
 ‘ his authority, in conveening assemblies of all
 ‘ sorts, whether general or particular. We
 ‘ acknowledge also that the solemn and pub-
 ‘ lick indictment, by way of proclamation and
 ‘ compulsion, belongeth properly to the ma-
 ‘ gistrate, and can neither be given to the
 ‘ pope nor to any foreign power, nor can it
 ‘ without usurpation be claimed by any of his
 ‘ majesty’s subjects; but we will never think
 ‘ that his majesty means, that in the case of
 ‘ extreme or urgent necessity, the church may
 ‘ not by herself convene and give out her own
 ‘ constitutions for the preservation of religi-
 ‘ on.’ And for this they subjoined six reasons;
 materially the same with those for a general
 assembly formerly inserted, p. 387.

But before the commissioners for the Scots arrived in the *English* camp, the resolution of transferring the Scots camp from *Dunse-law* to the border of the king’s leaguer, was communicated to his majesty; and therefore, the foresaid queries were departed from, as if they had never been started; and the Scots were desired to condescend upon the particulars they wanted, which were,

- ‘ 1. That the act of the late assembly at *Glasgow* should be ratified in parliament.
- ‘ 2. That all matters ecclesiastical might be determined by the assemblies of the church, and matters civil by parliament.
- ‘ 3. That his majesty’s ships, and forces by land, be recalled; that all persons, ships, and goods

The Scots bravely intimidates the English, Baillie, p. 796.

The Scots demands, Rusb. III. p. 941. Nalson I. p. 234.

1639

goods arrested, be restored; and that all excommunicated persons, incendiaries and inciters against the kingdom, who had caused these commotions for their own private ends, might be sent back to suffer their deserved censure and punishment.

Their
reasons
for them,
Rapin,
B. xix.
and *Bail*.

With these demands the Scots gave also in their reasons for them; the first whereof agreed with their reasons for a general assembly, and their former address sent up with Mr.

Winram. The reasonableness of the second was self-evident, and they alledged that parliaments should be holden once at least in two or three years, in respect of his majesty's absence, which hindered his subjects in their complaints and grievances, to have immediate access to his majesty: and for the third, they said, their desires being only the enjoyment of religion and liberty, and they having never intended to refuse all due obedience to their native king, the invading them in these circumstances was most unjustifiable.

To these demands the king, after some perplexity and advice of his council, returned the following declaration for answer, viz.

The
king's
declara-
tion of
peace,
Baillie,
P. 244.

'That tho' we cannot condescend to ratify and approve the acts of the pretended assembly at *Glasgow*, for the reasons contained in our several proclamations, and for many other grave and weighty considerations, which have happened both before and since, much importing the honour and security of that true monarchical government, lineally descended upon us from so many of our ancestors: yet such is our gracious pleasure, that, notwithstanding the many disorders committed

committed of late, we are pleased not only 1639.
 to confirm and approve our commissioner's
 declaration given under his hand, by our
 command in the pretended general assembly,
 concerning the taking away of the service-book,
 book of canons, and high-commission, and dis-
 pensing with the five articles of Perth; and that
 no other oath be administered to ministers at their
 admission than that which is prescribed by act of
 parliament: and that all and every one of the
 present bishops and their successors may be an-
 swerable, and censured accordingly from time
 to time, according to their demerits, by the gene-
 ral assembly: But also, we are further graci-
 ously pleased to declare and assure, that, ac-
 cording to the petitioners humble desires, all
 matters ecclesiastical shall be determined by
 the assembly of the kirk, and matters civil, by
 the parliament, and other inferior judicatories
 established by law, and assemblies accordingly
 shall be kept once a year, or so oft as the
 affairs of the kirk and kingdom shall require.
 And for settling the present distractions of
 that our antient kingdom, our will and plea-
 sure is, that a free general assembly be kept
 at *Edinburgh* the sixth day of *August* next en-
 suing, where we intend, God willing, to be
 personally present; and, for the legal indic-
 tion whereof, we have given order and com-
 mand to our council; and thereafter a parlia-
 ment to be holden at *Edinburgh* the 20th day
 of *August* next ensuing, for ratifying of what
 shall be concluded in the said assembly, and
 settling such other things as may conduce to
 the peace and good of our native kingdom;
 and therein an act of pardon and oblivion to
 B b b b b be

1639 ' be passed. And whereas, we are further hum-
 ' bly desired, that our ships, and forces by land
 ' be recalled, and all persons goods and ships
 ' restored, and they made safe from invasion,
 ' we are graciously pleased to declare, that
 ' upon their disarming and disbanding of their
 ' forces, dissolving and discharging all their
 ' pretended *tables* and conventicles, and re-
 ' storing unto us all our castles, forts, and am-
 ' munition of all sorts, as likewise our royal
 ' honours; and to every one of our good sub-
 ' jects their liberties, lands, houses, goods and
 ' means whatsoever, taken and detained from
 ' them since the late pretended general assem-
 ' bly, we will presently thereafter recal our
 ' fleet, and retire our land forces, and cause
 ' restitution to be made to all persons of their
 ' ships and goods arrested and detained since the
 ' foresaid time, whereby it may appear, that our
 ' intention in taking up arms was no ways for
 ' invading our native kingdom, or to innovate
 ' the religion and laws, but merely for main-
 ' taining and vindicating of our royal authority.
 ' And since it doth hereby clearly appear, that
 ' we neither have nor do intend any altera-
 ' tion in religion or laws, but that both shall
 ' be maintained by us in their full integrity,
 ' we expect the performance of that humble
 ' and dutiful obedience, which becometh loy-
 ' al and dutiful subjects, and as in their several
 ' petitions they have often professed.' —

With the most part of this declaration the
 commissioners were well satisfied, and testified
 their gratitude to his majesty in the most fer-
 vent manner; yet in some particulars they con-
 ceived it harsh and defective, and besought a
 free

free communing upon the contents of it; 1639. which being granted,

The Scots objected.

1. That the preface and the conclusion of his majesty's declaration was harsh, importing, as if they struck at monarchy, and his majesty's royal authority.

2. That the declaration containing an impeachment of the assembly at *Glasgow*, as pretended their accepting of the declaration, as a satisfaction of their desires, might be constructed a departing from the decrees of that assembly.

3. His majesty's not allowing of the assembly, for the reasons contained in his several proclamations, is a declaration of his judgment against ruling-elders, as prejudging the constitution of a free assembly.

4. His majesty's commissioner having, in the last assembly, contended against ruling-elders having a voice in assembly, and for his majesty's assessors having vote therein; and that his majesty, or his commissioner had a negative over the assembly, they wanted to be resolved what was understood by the words *free assembly*.

The king answered.

That he had no such opinion of them, but required that the paper should not be altered for the sake of his honour among other nations; and urged, that they would not stand with their king upon words, if so be they obtained.

The objection of the Scots, with the king's answer, Baillie, p. 847. Row, p. 348.

That, as he did not acknowledge that assembly farther than that it had registered his declaration, so he would not desire his subjects of *Scotland* to pass from the said assembly, or the decrees thereof.

Tho' his judgment be against lay-elders, yet seeing that clause is constructed as a prelimitation of the freedom of the assembly, he is willing that it be delete.

His majesty, after requiring that the differences mentioned might be remitted to himself, being informed that this was against the constitution of the kirk of *Scotland*, agreed that the words *free assembly*, in his majesty's declaration, did import freedom of judging in all questions arising there concerning constitution, members and matters.

5. The

1639.

The Scots objected.

5. The declaration bearing that no other oath be exacted of intrants, than that which is contained in the act of parliament: as also that clause bearing the pretended bishops, &c. shall be censurable by the general assembly, seem to presuppose and import the continuance of episcopacy, which we cannot acknowledge, being incompatible with the *Confession of Faith*, and constitutions of the kirk.

6. They would restore the castles freely, yet would they be understood as doing this for the safety of the country, in such sort as his majesty and the parliament should signify; and that it should be without prejudice to their just claims for fortifying and keeping the same.

7. Touching the restitution of persons houses and goods, it was observed that most of the goods were already spent for the publick use; and further provision would be made, that the debts contracted for the publick should be repaid by all proportionally.

8. It was with all humility urged, that his majesty would comply with that chief desire of the subjects, viz. the quitting with, and giving up of episcopacy, in which case his majesty might depend on as cordial subjection from them as ever a prince received.

The king answered.

His majesty being willing to leave these things to the determination of the assembly and parliament respectively, is pleased to delete both these clauses.

To this his majesty gave no answer.

The king answered, The goods and ammunition spent cannot be restored, those that are extant must be; and for the publick debt, that behoved to be left to the consideration of the parliament.

His majesty answered, That, having appointed a free general assembly, which might judge of all ecclesiastical matters, and a parliament, wherein the constitutions of assembly should be ratified, he would not prelimit nor forestal his voice.

These

These answers, which, with the objections, 1639.
the Scots commissioners did jointly recollect
and commit to writing, after their paring, Baillie,
June 17. to be communicated to all concern, p. 794.
ed, gave tolerable satisfaction; and to the day 777.
following they agreed with these concessions
to the following

ARTICLES of PACIFICATION.

1. The forces of Scotland to be disbanded Articles
and dissolved within 48 hours after the pub- of peace,
lication of his majesty's declaration, being a Ibid. P.
greed upon. 846.
2. His majesty's castles, forts, ammuni-
tion of all sorts, and royal honours to be
delivered after the said publication, so soon
as his majesty can send to receive them.
3. His majesty's ships to depart presently
after the delivery of the castles, with the first
fair wind; and in the mean time no inter-
ruption of trade or fishing.
4. His majesty is graciously pleased to
cause restore all persons goods and ships,
arrested and detained since the first day of
November last.
5. There shall be no meetings, treatings,
consultations or convocations of his ma-
jesty's lieges, but such as are warranted by
act of parliament.
6. All fortifications to desist, and no fur-
ther working therein; and they to be remit-
ted to his majesty's pleasure. And,
7. To restore to every one of his maje-
sty's good subjects their liberties, lands,
houses, goods and means whatsoever, taken
and

1639. and detained from them by whatsoever means since the aforesaid time.

Which articles were, upon the 18th of June, subscribed by secretary Coke for England, and by the earl of Stirling secretary for Scotland. And below was subjoined this note :

In obedience to his majesty's royal commands, we shall, upon Thursday next, the 20th of this June, dismisse our forces, and immediately thereafter, deliver his majesty's castles, and shall ever, in all things, carry ourselves like humble and obedient subjects. (Sic subscribitur.)

Rothes. W. Douglas.

Dunfermling. Al. Henderson.

Lowdown. Arch. Johnston.

The same day the king's declaration, and The Articles of peace, were proclaimed in the English camp. On which occasion some of the humorous English, who knew not what had been done in the assembly at Glasgow, nor, it seems, adverted much to the tenor of the present agreement, observed, that the bishops were discharged in Scotland, neither by the canon law, nor civil law, but by *Dunse-law*. That ceremony being over in the English camp, the earl of Morton was sent over to see the declaration and articles published in the Scots camp, which was done with a *notandum*; for the foresaid articles of conversation, never having been signed by the parties, lest any had conceived, that in the capitulation the Scots had passed from their assembly and covenant, the earl of Cassilis did, by common consent of the Scots army, read the following short information, as their mind concerning

concerning that agreement, and take instru- 1639.
ments upon it.

INFORMATION against mistaking of the
king's DECLARATION.

• Lest his majesty's declaration, of the date
• June 17, containing an answer to our hum-
• ble desires presented to our commissioners,
• should either be mistaken by the well affect-
• ed, or wilfully misconstrued by the malici-
• ous, whereby his majesty's justice and good-
• ness may be concealed, or his majesty's good
• subjects may appear to have done, or admit-
• ted any point contrary to our solemn oath and
• covenant, the general, the noblemen, barons,
• burgesses, ministers and officers, convened
• at *Dunse*, before the dissolving of the army,
• have thought necessary to put in writ what
• was related to them by their commissioners,
• from his majesty, to wit, *That as his majesty*
• *could not acknowledge nor approve the late*
• *general assembly holden at Glasgow, (for*
• *which cause it is called, in his majesty's de-*
• *claration, a pretended assembly,) so it was*
• *not his majesty's mind, that any of the pe-*
• *titioners, by their acceptance of the said de-*
• *claration, should be thought to disapprove or*
• *depart from the same.* Therefore, they do
• intreat all his majesty's good subjects, with
• most humble submission and thanksgiving,
• to acknowledge and confess his majesty's
• gracious favour, in indicting a free general
• assembly, to be holden at *Edinburgh, August*
• *6, and a parliament, August 20, for ratifying*
• *what shall be concluded in the said assembly,*

Inform-
ation
against
mistak-
ing, Ib.
p. 680.

1639. as the proper and most powerful means to
 settle this church and kingdom. So would
 they have all his majesty's subjects to know,
 that, by their accepting the said declaration,
 and articles of pacification joined therewith,
 they do not in any sort or degree, disclaim
 or disavow the said assembly; but that still
 they stand obliged to adhere to, obey and
 maintain the same: And for preventing all
 mistakes and misconstructions, that so much
 be made to all persons, and in all places
 where his majesty's declaration shall be pub-
 lished, which, as it is his majesty's own
 mind expressed several times to our com-
 missioners; so are we assured, that it will
 serve much for his majesty's honour, for the
 satisfaction of the godly, and for promoting
 of this blessed pacification, for which all of
 us ought earnestly to pray to God; to re-
 member also our late oath and covenant, and
 to walk worthy of it; and to beseech the
 LORD, that, by the approaching assembly
 and parliament, religion and righteousness
 may be established in the land.

Intima-
 ted a-
 longst
 with the
 declara-
 tion,
 Row. p.
 349.

This information was in like manner re-
 peated by the lord *Lindesay* at the market-cross
 of *Edinburgh*, the 24th of *June*, immediately
 after the declaration was published there. And
 in all other places where that declaration was
 to be published, four of the most honourable
 covenanters in the bounds were ordained, in
 name of the rest, to give hearty thanks to his
 majesty for his favour; but at the same time
 to declare, that their acceptance of his maje-
 sty's declaration should no ways be prejudi-
 cial to the late general assembly at *Glasgow*, to
 which

which they were bound to adhere by solemn 1639.
oath and covenant.

In prosecution of this treaty, the Scots lords
dispatched a packet to the earls of *Marishal* of the
and *Montrose*, acquainting them of the peace; peace
and with the same vessel went an express, *Aber-*
dated June 18. from the king to lord *Aboyn*, *de-*
colonel *Gun*, and the city of *Aberdeen*, thank- *Baillie*,
ing them for their constancy in his service, &c. p. 803.
which letters reached them most opportunely,
June 20. when *Aboyn* and the town of *Aber-*
deen were in the very jaws of destruction.

For tho' all this time the army at *Dunse-law* The
knew not what was doing in the north, nei- state of
ther party were idle. *Aboyn* having raised affairs
about 1000 of his father's vassals and tenants, in the
entered *Aberdeen*, June 8. where his little ar- north.
my received a very large augmentation, and
put the covenanters to considerable trouble;
from thence he sent out parties to the coun-
try, to plunder the covenanters, and attack
Marishal's and *Frazer's* houses. And this their
triumph lasted the longer, that *Montrose* found
more difficulty in raising the country than he
had done formerly. *Aboyn* and *Banff* prevented
any gathering of the covenanters in *Aberdeen-*
shire, &c.; so that very few came to *Montrose*
from the north side of *Dee*. However, he made
all the haste he could; and knowing, that either
retiring or stopping would be dangerous to the
cause, and to that whole country, he sent about
600 men northward to beat back the enemy's
advanced parties, and to give an opportunity to
his friends to join him, while he gathered and
brought up the rest. Accordingly that body of
men made their way good, till they came to
Stonehaven, where an attack was made upon them

1639. by a much greater number of the enemy; but, happily for them, they had some field-pieces, wherewith they annoyed the assaullers; who, being mostly *Highlanders*, could not endure the affront of being spit in the face by musket's mother, and retired back. The conquerors did not however think proper to push their advantage, till *Montrose* came up to them, *June 18.* And then his little army, making above 2000 horse and foot, marched northward till they came to the bridge of *Dee*; where they were stopped by the enemy, who exceeded them in numbers. *Montrose*, far from being discouraged therewith, ordered the cannon to be let loose upon them; but, after the firing had continued several hours, he found that he was spending his powder in vain, by reason that the enemy had intrenched themselves on the other end of the bridge. Upon this a council of war was called to meet that evening; and therein it was resolved to try a stratagem next day. And this it was: His lordship, with the horse, and part of the foot, marched up the water, and made a feint, as if he intended to pass at a ford. This device took, and had the effect desired: The enemy drew out their horse, and part of their foot, and marched up on the opposite shore to attend the covenanters motions. At length, when both parties were removed too far to prevent any sudden commotion amongst those whom they left behind, colonel *John Middleton*, at that time a zealous covenanter, who commanded those whom *Montrose* left at the bridge, did suddenly attack the enemy, with as much fury as if it had been a mighty hurricane: yet, for some time, he gained little by his fervour; the valiant

and State of SCOTLAND.

liant *Aberdonians*, who defended the bridge, 1639.
did behave with equal bravery, till colonel
Johnston their commander met with a broken
leg and bruised shoulder; when they gave way,
and made the best terms they could for them-
selves. By this time the out-parties being
apprised by the fire of the cannon, returned
back to join their respective corps, but came
after the roff. The enemy were glad to get
off with their lives; and *Montrose* had only the
pleasure of conducting the conquerors to *Aber-*
deen, where they incamped in the fields, in-
tending next day to have plundered the town,
that the inhabitants might take warning by
their punishment. But that same day, as we
formerly observed, the expresses arrived with
the news of the treaty of peace; and with that
cord the hands of the covenanters were hap-
pily tied up from enriching themselves with
the spoils of their unnatural brethren.

Thus I have, faithfully I hope, tho' with
much weakness, described the several pieces of
the divine work begun and carried on in *Scot-*
land, during the first two years of what is
commonly called the *second reformation-period*,
by the noble spirits of many brave men,
who were eminently furnished with gifts cor-
responding with the extraordinary exigences
of the time; and shall conclude this volume
in the words of the author, which all alongst
I have made my text. 'I doubt (saith Mr.
' *Baillie*) if the providence of God, shelter-
' ing a poor church from imminent ruin, with
' power, wisdom, and goodness, clearly divine,
' hath ever shined so brightly in any land, as in
' ours these years: The hand of our GOD
' hath led us down from the stage of extreme
' danger,

Letter
to Mr.
Spang,
Septem-
ber 28.

1639. danger, that we may go about our neglected affairs with a mutual amity, and most universal joy. Our king is brought so well as may be, and much more honourably than any could have expected, off from pursuing the revenge of enraged church-men, who would neither be reclaimed from their crimes, nor suffer the censure of their obstinacy; our state is secured from the arms of our neighbour kingdoms, and a strong party amongst ourselves; our church hath obtained a full purgation, and cast forth all the corruptions which infected either doctrine or discipline; we are put in possession of general assemblies and parliaments, the sovereign medicines against the sudden return of our late mortal diseases; the *Canterburian* faction in our land, who was haling us with full sails to *Rome* for our religion, and to *Constantinople* for our policy, is now dashed to pieces, and lying in the pit of shame and poverty in a strange land, pitied by none, and helped by very few, and that in such a measure, as brings rather an increase of biting and tormenting disdain to their proud and prodigal stomachs, than any satisfying relief or redress of their state; and we, by the grace of our God, and favour of our king, are put in such a condition, as those of our neighbours, who were beholding with compassion, the imminent appearances of our woful calamities, may now reap the fruit of their former affection, and rejoice with us in our God, for *visiting and redeeming us in remembrance of his mercy.*

The End of the

